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TRANSACTIONS

Maryland State Bar Association.

SIXTH ANNUAL MEETING,

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REPORT

OF THE

SIXTH ANNUAL MEETING

OF THE

Maryland State Bar Association,

HELD AT

DEER PARK, MD.,

July 31st and August 1st, 1901.

EDITED BY

CONWAY W. SAMS, Secretary,

OF THE BALTIMORE BAR.

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HANZSCHE & CO.,
PRINTERS AND ENGRAVERS,
BALTIMORE,
1901.

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LIST OF MEMBERS BY CIRCUITS.

FIRST CIRCUIT.

Barnes, Adlai P.	Snow Hill,	1896
Collins, Oliver D.	Snow Hill,	1897
Covington, George W.	Snow Hill,	1897
Dickerson, William T.	Snow Hill,	1896
Duer, Robert F.	Princess Anne,	1897
Ellegood, James E.	Salisbury,	1896
Goldsborough, Ph. Lee	Cambridge,	1897
Graham, Robert P.	Salisbury,	1896
Holland, Charles F.	Salisbury,	1897
Jones, R. D.	Snow Hill,	1897
Lankford, Clarence P.	Crisfield,	1896
Lankford, H. Fillmore	Princess Anne,	1897
Lloyd, Henry	Cambridge,	1897
McMaster, W. S.	Princess Anne,	1897
Miles, Joshua W.	Princess Anne,	1897
Page, Henry	Princess Anne,	1896
Pattison, John R.	Cambridge,	1897
Simmons, Thomas W.	Cambridge,	1897
Stanford, H. L. D.	Princess Anne,	1896
Toadvin, E. Stanley,	Salisbury,	1900
Tull, Gordon	Princess Anne,	1897
Waters, Henry J.	Princess Anne,	1896
Williams, Jay	Salisbury,	1897

SECOND CIRCUIT.

Adkins, W. H.	Easton,	1896
Barroll, Hope H.	Chestertown,	1896
Beck, William W.	Chestertown,	1897
Blake, George A.	Elkton,	1900
Covington, James H.	Easton,	1897
Crothers, Austin S.	Elkton,	1898
Deweese, William H.	Denton,	1897
Evans, William S.	Elkton,	1898
Fisher, T. Pliny	Denton,	1896
Haines, L. M.	Elkton,	1896

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SECOND CIRCUIT—Continued.

Hess, Hiester	Elkton,	1901
Hynson, R. D.	Chestertown,	1896
Keating, Thomas J., Jr.	Centreville,	1896
Legg, J. H. C.	Centreville,	1897
Lewis, Henry R.	Denton,	1896
Martin, William R.	Easton,	1896
Miller, Guion	Easton,	1901
Owens, Fred. R.	Denton,	1897
Pearce, James A.	Chestertown,	1896
Russum, George M.	Denton,	1897
Seth, Joseph B.	Easton,	1899
Slay, William M.	Chestertown,	1897
Tharp, Alfred L.	Easton,	1897
Towers, Albert G.	Denton,	1897
Turner, J. Frank	Easton,	1901
Urie, John D.	Chestertown,	1897
Vickers, H. W.	Chestertown,	1897
Warburton, William T.	Elkton,	1898
Ward, Alfred L.	Easton,	1897
Wickes, L. W.	Chestertown,	1897
Wirt, John S.	Elkton,	1896

THIRD CIRCUIT.

Biddison, John S.	Towson,	1897
Boarman, R. R.	Towson,	1897
Burke, N. C.	Towson,	1897
Bussey, Robert H.	Towson,	1898
Cook, Elmer J.	Towson,	1898
Duncan, Frank I.	Towson,	1898
Fowler, David	Towson,	1897
Gontrum, John F.	Towson,	1897
Grason, William G.	Towson,	1898
Harlan, William H.	Bel Air,	1901
Hawkins, G. S.	Bel Air,	1896
Herman, Emmanuel W.	Towson,	1898
Lindsay, James J.	Towson,	1896
Maynadier, George Y.	Bel Air,	1896
McIntosh, David G.	Towson,	1998
Offutt, T. Scott,	Towson,	1901
Piper, A. A.	Towson,	1898
Robinson, Thomas H.	Bel Air,	1896
Rouse, Willard G.	Bel Air,	1896

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THIRD CIRCUIT—Continued.

Shanklin, Arthur P.	Towson,	1899
Taylor, Calvin B.	Bel Air,	1897
Van Bibber, George L.	Bel Air,	1898
Webster, J. Edwin	Bel Air,	1896
Williams, Frederick R.	Bel Air,	1896
Williams, Stevenson A.	Bel Air,	1897
Young, John S.	Bel Air,	1896
Yellott, Osborne I.	Towson,	1898

FOURTH CIRCUIT.

Armstrong, Alexander	Hagerstown,	1896
Barnes, P. C.	Cumberland,	1901
Blackistone, D. J.	Cumberland,	1896
Boyd, A. Hunter,	Cumberland,	1896
Devecmon, W. C.	Cumberland,	1896
Doub, A. A.	Cumberland,	1896
Doub, Daniel W.	Hagerstown,	1896
Gordon, Robert H.	Cumberland,	1896
Hamill, Gilmore S.	Oakland,	1897
Henderson, Robert R.	Cumberland,	1896
Hendrickson, Finley C.	Cumberland,	1900
Keedy, M. L.	Hagerstown,	1896
Kealhofer, William	Hagerstown,	1897
Lane, J. Clarence	Hagerstown,	1896
Little, C. A.	Hagerstown,	1896
Lowndes, Lloyd	Cumberland,	1897
Lowndes, Lloyd, Jr.	Cumberland,	1900
Macbeth, J. E.	Cumberland,	1900
Mason, J. Augustine	Hagerstown,	1897
McCleave, Hugh R.	Cumberland,	1900
McHenry, James A.	Cumberland,	1897
McHenry, James I.	Cumberland,	1898
McMichael, Robert W.	Cumberland,	1897
Mitchell, Edwin L.	Oakland,	1901
Mitchell, John T.	Oakland,	1900
Morrison, Taylor	Cumberland,	1898
Neill, Alexander	Hagerstown,	1896
Pearre, George A.	Cumberland,	1898
Purnell, Clayton	Frostburg,	1896
Renmoger, Julius C.	Oakland,	1901
Reynolds, De Warren H.	Cumberland,	1896
Richmond, Benjamin A.	Cumberland,	1896

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FOURTH CIRCUIT—Continued.

Robb, David A.	Cumberland,	1900
Schley, Buchanan	Hagerstown,	1896
Scott, Norman B., Jr.	Hagerstown,	1896
Sincell, Edward H.	Oakland,	1898
Sloan, D. Lindley	Cumberland,	1900
Sloan, David W.	Cumberland,	1896
Smith, George W., Jr.	Hagerstown,	1896
Stake, Edward	Hagerstown,	1898
Strite, A. C.	Hagerstown,	1896
Thayer, F. A.	Oakland,	1898
Thomas, James W.	Cumberland,	1897
Veitch, Percy H.	Oakland,	1901
Wagaman, Charles D.	Hagerstown,	1896
Walsh, Michael E.	Westminster,	1898
Walsh, William E.	Cumberland,	1896
Weant, Edward O.	Westminster,	1898
Whiting, F. Brooke	Cumberland,	1901
Williams, Ferdinand	Cumberland,	1897
Willison, Jasper N.	Cumberland,	1900
Wilson, Austin A.	Cumberland,	1897
Wilson, John Glover	Cumberland,	1897
Witzenbacker, Wm. J.	Hagerstown,	1896
Wingert, Henry F.	Hagerstown,	1897

FIFTH CIRCUIT.

Bond, J. A. C.	Westminster,	1896
Brady, A. Theodore	Annapolis,	1901
Clabaugh, Harry M.	Westminster,	1896
Claude, W. Hallam	Annapolis,	1898
Dorsey, J. Malcolm	Ellicott City,	1900
Fink, Charles E.	Westminster,	1896
Forbes, George	Annapolis,	1896
Green, Nicholas H.	Annapolis,	1899
Henning, David N.	Westminster,	1896
Loweree, George E.	Laurel,	1896
Munroe, James M.	Annapolis,	1899
Owens, James W.	Annapolis,	1898
Parke, Francis Neal	Westminster,	1898
Reifsneider, Charles T.	Westminster,	1896
Reifsneider, Chas. T., Jr.	Westminster,	1899
Reifsneider, John Milton	Westminster,	1898
Revell, James	Annapolis,	1900

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FIFTH CIRCUIT—Continued.

Riley, Elihu S.	Annapolis,	1896
Rogers, John G.	Ellicott City,	1898
Smith, Jerry L.	Annapolis,	1901
Steele, Guy W.	Westminster,	1898
Thomas, William H.	Westminster,	1899

SIXTH CIRCUIT.

Bouic, W. Viers, Jr.	Rockville,	1896
Eichelberger, Edward S.	Frederick,	1896
Fauble, T. Marvin	Frederick,	1898
Gould, Ashley M.	Rockville,	1898
Hinks, William H.	Frederick,	1897
Johnson, Baker	Frederick,	1896
Lynch, John A.	Frederick,	1897
Maulsby, William P.	Frederick,	1896
McSherry, J. Roger	Frederick,	1897
McSherry, James	Frederick,	1896
Motter, John C.	Frederick,	1897
Norwood, Frank C.	Frederick,	1897
Prettyman, Charles W.	Rockville,	1900
Ross, Charles W.	Frederick,	1897
Rutherford, Allan	Gaithersburg,	1899
Seybold, Vincent	Frederick,	1897
Stoner, Frank L.	Frederick,	1897
Talbott, William H.	Rockville,	1896
Talbott, Hattersly W.	Rockville,	1899
Urner, Hammond	Frederick,	1898
Urner, Milton G.	Frederick,	1897
Worthington, Glenn H.	Frederick,	1897

SEVENTH CIRCUIT.

Briscoe, John P.	Prince Frederick,	1896
Bunting, J. Briscoe	Prince Frederick,	1896
Camalier, B. Harris	Leonardtown,	1901
Chew, Philip W.	Upper Marlboro,	1896
Gray, John B.	Prince Frederick,	1896
Merrick, George C.	Upper Marlboro,	1899
Mitchell, John H.	La Plata,	1896
Parran, J. Frank	Prince Frederick,	1896
Rogers, James C.	Hyattsville,	1900
Sasscer, Frederick	Upper Marlboro,	1900
Wilmer, L. Allison	La Plata,	1896

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EIGHTH CIRCUIT.

Ambler, James M.	207 N. Calvert st., Baltimore,	1897
Applegarth, Rufus W.	10 E. Lexington st., Baltimore,	1897
Baer, Thomas S.	818 Equitable Building, Baltimore,	1897
Baetjer, E. J.	205 E. German st., Baltimore,	1898
Baker, J. Henry	10 E. Lexington st., Baltimore,	1899
Baker, O. Parker,	232 St. Paul st., Baltimore,	1901
Bayless, W. H.	Daily Record Building, Baltimore,	1897
Bernard, Richard	1 E. Lexington st., Baltimore,	1897
Bernard, Alfred D.	1 E. Lexington st., Baltimore,	1897
Bernei, Louis B.	915 Equitable Building, Baltimore,	1897
Bond, Nicholas P.	830 Equitable Building, Baltimore,	1896
Bonsal, Leigh	500 Equitable Building, Baltimore,	1897
Bowers, James W., Jr.	16 E. Lexington st., Baltimore,	1901
Bowie, Washington, Jr.	Fidelity Building, Baltimore,	1900
Boyd, J. Cookman	16 Builders Exchange, Baltimore,	1899
Brantly, William T.	12 St. Paul st., Baltimore,	1897
Brinton, Daniel L.	312 Law Building, Baltimore,	1897
Brent, Robert F.	104 E. Lexington st., Baltimore,	1897
Broening, Henry J.	230 St. Paul st., Baltimore,	1897
Brown, Stewart	222 St. Paul st., Baltimore,	1896
Brown, Arthur George	222 St. Paul st., Baltimore,	1897
Brune, W. H.	315 Law Building, Baltimore,	1897
Bryan, William S., Jr.	Md. Telephone Bldg., Baltimore,	1898
Budnitz, Emil	20 E. Lexington st., Baltimore,	1897
Burton, Robert	315 Law Building, Baltimore,	1899
Campbell, Peter J.	20 E. Lexington st., Baltimore,	1896
Carey, Francis K.	830 Equitable Building, Baltimore,	1896
Carr, James E., Jr.	218 St. Paul st., Baltimore,	1899
Carrington, Edward C.	110 E. Lexington st., Baltimore,	1897
Chancellor, A. Bernard	11½ E. Lexington st., Baltimore,	1897
Chapman, James W., Jr.	310 Equitable Building, Baltimore,	1900
Cockey, Charles E.	Law Building,	1901
Cohen, Jacob I.	Merchants Bank Bldg., Baltimore,	1897
Crain, Robert	607 Fidelity Building, Baltimore,	1898
Cross, E. J. D.	B. & O. Central Bldg., Baltimore,	1897
Cross, Richard K.	12 St. Paul st., Baltimore,	1897
Cross, W. Irvine	B. & O. Central Bldg., Baltimore,	1897
Curley, James P.	400 Equitable Building, Baltimore,	1900
Dawkins, Walter I.	311 Fidelity Building, Baltimore,	1896
Dawson, W. H.	33 S. Gay st., Baltimore,	1897
Dennis, J. Upshur	1307 N. Calvert st., Baltimore,	1897
Dennis, James U.	739 Equitable Building, Baltimore,	1901
Denny, James W.	209 St. Paul st., Baltimore,	1897

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EIGHTH CIRCUIT—Continued.

Dillehunt, Harry B.	10 E. Lexington st., Baltimore,	1899
Dobler, J. J.	Harford Road, opp. Clifton Park,	1897
Donaldson, John J.	220 St. Paul st., Baltimore,	1897
Dorton, Frederick T.	444 Equitable Building, Baltimore,	1899
Eichelberger, Edward C.	114 E. Lexington st., Baltimore,	1897
Elliott, Thomas Ireland	400 Equitable Building, Baltimore,	1897
Farber, Edwin J.	101 N. Charles st., Baltimore,	1898
Fechtig, James A., Jr.	16 E. Lexington st., Baltimore,	1900
Fisher, D. K. Este	744 Equitable Building, Baltimore,	1897
Fisher, William A.	744 Equitable Building, Baltimore,	1897
France, Joseph C.	Md. Telephone Bldg., Baltimore,	1897
Gaither, George R., Jr.	728 Equitable Building, Baltimore,	1899
Gans, Edgar H.	300 Equitable Building, Baltimore,	1897
Gibson, Edward Guest	511 Fidelity Building, Baltimore,	1897
Gill, N. Rufus	215 St. Paul st., Baltimore,	1899
Gill, Roger T.	215 St. Paul st., Baltimore,	1900
Gorter, James P.	224 St. Paul st., Baltimore,	1896
Gosnell, Frank	102 E. Lexington st., Baltimore,	1896
Gregg, Maurice	14 E. Lexington st., Baltimore,	1896
Gresham, Le Roy	3 E. Lexington st., Baltimore,	1900
Griffin, E. J.	215 E. Fayette st., Baltimore,	1897
Hardcastle, Alexander, Jr.	Bank of Balto. Bldg., Baltimore,	1898
Harlan, Henry D.	9 E. Biddle st., Baltimore,	1897
Harley, Charles F.	110 E. Lexington st., Baltimore,	1897
Harman, Samuel J.	8 E. Lexington st., Baltimore,	1898
Harvey, Roland B.	500 Equitable Building, Baltimore,	1900
Hayes, Thomas G.	944 Equitable Building, Baltimore,	1897
Henninghausen, Percy C.	215 St. Paul st., Baltimore,	1897
Hershey, O. F.	606 Fidelity Building, Baltimore,	1898
Herzog, Charles	110 E. Lexington st., Baltimore,	1897
Heuisler, Charles W.	504 Fidelity Building, Baltimore,	1897
Hill, Charles E.	3 E. Lexington st., Baltimore,	1898
Hinkley, John	215 N. Charles st., Baltimore,	1896
Hisky, T. Foley	215 N. Charles st., Baltimore,	1897
Hoen, Ernest J.	Hoen Building, Baltimore,	1898
Hodson, Thomas S.	6 E. Lexington st., Baltimore,	1897
Houlton, S. C.	2 E. Lexington st., Baltimore,	1897
Howard, Charles Norris	700 Equitable Building, Baltimore,	1897
Hughes, Adrian	223 St. Paul st., Baltimore,	1897
Hurst, John J.	513 Law Building, Baltimore,	1900
Jackson, Lloyd, Jr.	508 Fidelity Building, Baltimore,	1901
Johnson, J. Hemsley	Bank of Balto. Bldg., Baltimore,	1897

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EIGHTH CIRCUIT—Continued.

Jones, E. T.	601 Fidelity Building, Baltimore,	1897
Kennard, Henry C.	506 Fidelity Building, Baltimore,	1899
Knott, A. Leo	3 E. Lexington st., Baltimore,	1897
Knapp, Charles H.	8 E. Lexington st., Baltimore,	1899
Lauchheimer, Sylvan H.	752 Equitable Building, Baltimore,	1899
Lee, John L. G.	B. & O. Central Bldg., Baltimore,	1897
Lee, Richard Laws	232 St. Paul st., Baltimore,	1897
Lehmayer, Martin	Herald Building, Baltimore,	1897
Leser, Oscar	2 South Street, Baltimore,	1901
Levy, William B.	501 Fidelity Building, Baltimore,	1898
Lewis, William Penn, Jr.	Builders Exchange, Baltimore,	1898
Mackall, Thomas B.	222 St. Paul st., Baltimore,	1897
Mackenzie, Geo. Norbury	300 Water st., Baltimore,	1897
Mann, Harry E.	100 E. Lexington st., Baltimore,	1897
Marbury, William L.	922 Equitable Building, Baltimore,	1897
Marshall, Charles	12 St. Paul st., Baltimore,	1898
McLane, Allan	Equitable Building, Baltimore,	1899
McLane, Robert M.	Equitable Building, Baltimore,	1899
Meyer, Lee S.	16 E. Lexington st., Baltimore,	1901
Miles, Alonzo L.	Bank of Balto. Bldg., Baltimore,	1897
Mister, Beverly W.	400 Equitable Building, Baltimore,	1900
Morris, Thomas J.	708 Park ave., Baltimore,	1897
Morris, John T.	215 N. Charles st., Baltimore,	1899
Morrison, George C.	542 Equitable Building, Baltimore,	1901
Mullin, Michael A.	609 Fidelity Building, Baltimore,	1897
Mullin, Joseph C.	609 Fidelity Building, Baltimore,	1899
Niles, Alfred S.	Herald Building, Baltimore,	1897
O'Brien, William J., Jr.	804 Fidelity Building, Baltimore,	1897
Packard, Joseph	207 N. Calvert st., Baltimore,	1897
Perkins, William H., Jr.	700 Equitable Building, Baltimore,	1900
Phelps, Charles E.	Walbrook, Baltimore,	1897
Poe, John P.	100 E. Lexington st., Baltimore,	1896
Putzel, Lewis	309 Law Building, Baltimore,	1901
Quigley, Charles H.	401 Law Building, Baltimore,	1899
Reese, D. Meredith	213 Courtland st., Baltimore,	1897
Requardt, J. Fred.	322 Equitable Building, Baltimore,	1897
Revell, E. J. W.	503 Fidelity Building, Baltimore,	1900
Rhodes, Frank V.	701 Fidelity Building, Baltimore,	1897
Riggs, Lawrason	919 Equitable Building, Baltimore,	1896
Robertson, Alex. H.	324 Equitable Building, Baltimore,	1896
Robinson, Ralph	741 Equitable Building, Baltimore,	1896
Rogers, Robert L.	46 Post Office Bldg., Baltimore,	1899

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EIGHTH CIRCUIT—Continued.

Rose, John C.	628 Equitable Building, Baltimore,	1897
Sadtler, Howard P.	626 Equitable Building, Baltimore,	1897
Sams, Conway W.	Bank of Balto. Bldg., Baltimore,	1896
Sappington, A. DeR.	Md. Telephone Bldg., Baltimore,	1897
Savage, George	Calvert Building, Baltimore,	1897
Schmitz, Bernard A.	110 E. Lexington st., Baltimore,	1901
Schmucker, Samuel D.	1712 Park ave., Baltimore,	1897
Sharp, Abraham	100 E. Lexington st., Baltimore,	1899
Sharp, George M.	2105 St. Paul st., Baltimore,	1896
Skinner, Maurice E.	416 Equitable Bldg., Baltimore,	1897
Slingluff, Fielder C.	309 Fidelity Building, Baltimore,	1899
Smith, Robert H.	622 Equitable Building, Baltimore,	1897
Smith, William C.	202 N. Calvert st., Baltimore,	1901
Spamer, C. A. E.	215 N. Charles st., Baltimore,	1897
Stanley, Charles H.	400 Equitable Building, Baltimore,	1897
Steele, John N.	830 Equitable Building, Baltimore,	1898
Steiner, Hugo	309 Law Building, Baltimore,	1897
Stevens, Francis P.	Herald Building, Baltimore,	1897
Stewart, David	101 N. Charles st., Baltimore,	1897
Stewart, Hyland P.	712 Equitable Building, Baltimore,	1901
Stockbridge, Henry	11 N. Calhoun st., Baltimore,	1897
Story, Fred. W.	Builders Exchange, Baltimore,	1897
Straus, Isaac Lobe	12 St. Paul st., Baltimore,	1900
Surratt, William H.	3 E. Lexington st., Baltimore,	1901
Taylor, A. H.	205 E. German st., Baltimore,	1898
Thomas, George C.	221 St. Paul st., Baltimore,	1899
Thomas, George L.	12 St. Paul st., Baltimore,	1897
Thomas, William S.	Hoen Building, Baltimore,	1898
Tiernan, Charles B.	11 E. Lexington st., Baltimore,	1897
Tippett, Richard B.	601 Law Building, Baltimore,	1897
Tome, Peter E.	33 S. Gay st., Baltimore,	1898
Trundle, W. Burns,	301 St. Paul st., Baltimore,	1897
Turner, Frank G.	3 E. Lexington st., Baltimore,	1899
Tyson, A. Morris	207 N. Calvert st., Baltimore,	1897
Upshur, George M.	737 Equitable Building, Baltimore,	1898
Venable, Richard M.	205 E. German st., Baltimore,	1897
Walter, M. R.	Herald Building, Baltimore,	1897
Warfield, Edwin	Fidelity & Deposit Co., Baltimore,	1897
Warfield, John	Daily Record Building, Baltimore,	1898
Warner, C. Hopewell	Herald Building, Baltimore,	1897
Waters, J. Seymour T.	14 E. Lexington st., Baltimore,	1899
Watts, P. Bartley	222 St. Paul st., Baltimore,	1897

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EIGHTH CIRCUIT—Continued.

Whelan, Thomas A.	509 Fidelity Building, Baltimore,	1897
Williams, George Weems	3 E. Lexington st., Baltimore,	1900
Williams, John F.	509 Law Building, Baltimore,	1897
Willis, George R.	Md. Telephone Bldg., Baltimore,	1897
Whitelock, George	Guardian Trust Bldg., Baltimore,	1896
Wolff, Oscar	Herald Building, Baltimore,	1898
Wright, Daniel Giraud	142 W. Lanvale st., Baltimore,	1897

WASHINGTON, D. C.

Bowen, Philander A., Jr.	1410 G st., N. W.,	1898
McComas, L. E.	Washington, D. C.	1897

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TRANSACTIONS

OF THE

SIXTH ANNUAL MEETING

OF THE

Maryland State Bar Association,

HELD AT

DEER PARK, MARYLAND,

July 31st and August 1st, 1901.

The President: Gentlemen of the Maryland State Bar Association you will now please come to order. By the Seventh Article of the Constitution of our Association it is made the duty of the President to deliver an address at the opening of the Annual Meeting next after his election. Pursuant to this duty I now invite your attention to "A Glance at the Methods of Forming Corporations in Maryland from Colonial Times; Some Evils which have Grown Out of Them with Suggestions for Their Remedy."

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PRESIDENT'S ANNUAL ADDRESS.

A GLANCE AT THE METHODS OF FORMING CORPORATIONS IN MARYLAND FROM COLONIAL TIMES; SOME EVILS WHICH HAVE GROWN OUT OF THEM WITH SUGGESTIONS FOR THEIR REMEDY.

BY STEVENSON A. WILLIAMS.

The growth of Corporations and the extent to which corporate management is deemed essential to business transactions of magnitude and desirable for many lesser ones was a very notable result in the commercial development of the last century.

Twenty-five years ago many thoughtful men were asking themselves and the public whether individual self-reliance and freedom could long endure such concentration of power as that which seemed to be massing in the hands of those who managed corporate interests. As a result of the discussion of that period, much legislation was directed against them and some of their methods, yet in spite of it all, they have attained proportions which indicate with unerring certainty that they fill a real need of the business world and have come to stay. If this is so, the only wise and prudent way to treat them is to recognize their necessity and value, and to apply, in our relations with them, such principles as are suggested by an intelligent and careful survey of their history and dealings.

It is undoubtedly essential that they be made and kept subservient to the public welfare, but apart from this, the growing tendency of those who study the subject from a con-

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servative standpoint and that of the general good, is, that they should be allowed as large a freedom as possible, for only in this way can they be made to contribute most largely to the support of the government and the general welfare.

The business conditions of every community necessarily influence to a great degree its character and life, and at times it becomes very important and essential for good, that there should be a careful reckoning of those conditions, a taking of stock, as it were, with a balance sheet, so that there may be an easy discovery of their true value, their good or evil influences, with a view to encourage and promote the former and condemn and check the latter.

Holding these views it has frequently seemed to me that we Marylanders have in our methods of granting charters permitted the growth and continuance of serious evils, which, as thoughtful men, we should carefully examine and weigh. Having done so, and reached a conclusion that evils exist, no *laissez faire* policy should be pursued, but steps should be at once taken to apply a proper remedy.

In order to ascertain and intelligently characterize these methods, let us examine them from our earliest times as a Colony and a State, and see what influences have been at work to shape them, and the reasons which have operated to bring about whatever changes have taken place in them. To do this it will be convenient to divide this history into the four following periods:

1. Prior to 1777.
2. From 1777 to 1825.
3. From 1825 to 1851.
4. From 1851 to 1901.

1. Prior to our independence of Great Britain there were very few charters granted, and these were by Special Act of the Proprietary and General Assembly. The purposes of these Acts were the formation of municipal corporations for cities and towns, the erection of ports of entry, and occasionally an educational institution. There are so few of them that the

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time and attention required of the Assembly in their enactment was inconsiderable.

2. From the date of our first Constitution in 1777 to and including the year 1825, a period of forty-eight years, the Legislature was frequently occupied with the consideration and granting of charters, and there was a steady increase of their number and importance. With the exception of the Vestry Act (1798, ch. 23), and the Religious Corporations Act (1802, ch. 111), they were all by Special Acts of Assembly. There were forty-three legislative sessions during these years, enacting four hundred and six charters and supplements, an average of nine and a fraction for each session. During the earlier years there was frequently but one Act during a session, occasionally there were two, three or four, but with the establishment of the Federal Government on a solid foundation, and the return of favorable business conditions, we find from 1812 and on as many as twenty and thirty were granted at a session.

A passing word may be permitted as to the character of the charters of this period. Prior to our Revolution the Proprietary and Assembly did not even grant charters for banks, insurance or turnpike companies, and with the return of peace and a stable government, it was but natural that the foundations for healthy business conditions and internal improvements should be laid, and so it was. Many of the most solid banks and insurance companies now doing business amongst us and nearly all our turnpike companies were chartered by Special Act of Assembly during this period.

Evidence of the growing interest in internal improvements during the earlier of these years and its continuance and growth towards their close is found in abundance. The charter of the Potomac Company (Act 1784, ch. 33), to make that river navigable to Cumberland and connect with a chain of improvements to the Ohio is an example. This work seems to have been a favorite idea of General Washington's; he secured its charter and became its first president, and when, after his death, its plans were found to be impracticable and

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abandoned, its rights were transferred to the Chesapeake and Ohio Canal, which was chartered at the close of the period by the Act of 1824, ch. 79.

3. The third period extends from 1825 to 1851, when our second Constitution was adopted, and covers twenty-six years. There were twenty-three legislative sessions and the work of granting charters appears to have grown very considerably, for we find eleven hundred and sixteen of them, including supplements, or an average of forty-eight and a fraction for each session. The increase in the number each session was considerable; from fifteen in 1826 to one hundred and twenty-two in 1849. It was the period of railway charters and railway building. Our most notable railways secured their charters during these years, beginning with the Baltimore and Ohio in 1826.

The idea of a general law for the formation of Corporations, which was developed during this period, had its suggestion in the Vestry Act previously mentioned. It became a law in January, 1799, and was followed by the Act of 1802, ch. 11, which is the frame work of our present plan for the formation of Religious Corporations generally. By this Act, the mere association of a class of persons in a prescribed way, and their election of a governing body, constituted them a body corporate; but in the extension of the same privileges to other religious corporations by the Act of 1802, ch. 11, we find for the first time a provision suggestive of the certificate required under our present general law.

These two Acts then were the forerunners of the general laws which, beginning in 1838, were extended in 1846 and 1847 and were made a permanent part of our policy by the Constitution of 1851. The volume of Corporation business which was being brought to the attention of the General Assembly had evidently become very noticeable prior to and during the session of 1838, when by chapter 264 an Act was passed providing for the incorporation by association (as in the Vestry Act) of all persons desirous of obtaining charters for manufacturing purposes. The Act of 1846, ch. 323, also

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authorizes the incorporation in much the same way of those desirous of organizing lyceums, libraries, masonic or other lodges, fire companies and associations for literary, dramatic, moral, social, charitable and religious purposes, or those connected with the promotion of the arts and sciences, with the additional requirement as suggested by the Act of 1802, ch. 11, that before they may be entitled to the benefit of the Act, they shall lodge with the Clerk of the County a copy of their articles of association, signed by the members originating the same, and the Act of 1847, ch. 26, extends the same privilege to military associations. This period closes then with the conviction of the necessity for a general law fully developed, and it had taken such a hold upon the legislative mind, that it became a part of the organic law under the new Constitution, as exhibited by the following section:

> "Corporations may be formed under general laws, but shall not be created by Special Acts except for municipal purposes and in cases where, in the judgment of the General Assembly, the object of the Corporation cannot be obtained under the general laws. All laws and Special Acts pursuant to this section may be altered from time to time or repealed; provided, nothing herein contained shall be construed to alter, change or amend in any manner the section in relation to banks."

4. The work of the fourth and last period covers fifty years and twenty-nine legislative sessions. Two thousand and forty-seven charters and supplements were granted, an average of seventy-one per session; the number passed at each session varying from thirty-seven in 1852 to four in 1861 and one hundred and forty-four in 1900.

Besides these there were one hundred and forty-three measures enacting and amending the general law on the subject of Corporations. In estimating the work of these years it should be borne in mind, that the provision of the new Constitution just mentioned was intended for the relief of the General Assembly, already too much burdened with an unnec-

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essary work, and involved the enactment of further general laws, before it could be made effective, for as yet the purposes for which charters might be granted under that law were comparatively few. We therefore find in the years between 1852 and 1860 many such acts extending the purposes for which charters might be obtained at any time and without the necessity of applying to the Legislature An examination of the Code of 1860 under the title "Corporations" will disclose the extent to which the scope of the general law had been enlarged. By this time the method of requiring the execution, acknowledgment and recording of the certificate of incorporation was generally required and it is here that we first find provisions for building associations and telegraph companies.

The Constitution of 1864 retained, *in totidem verbis*, the provision of that of 1851 with reference to Corporations, but in that of 1867, a decided change was made, in that it was no longer in the discretion of the General Assembly to grant any charter, but they could only do it where no provision had been made by the general law for the kind of charter desired. The language used for this purpose is as follows:

> "Corporations may be formed under general laws, but shall not be created by Special Acts, except for municipal purposes, and except in cases where no general laws exist providing for the creation of Corporations of the same general character as the Corporation proposed to be created, and any act of incorporation passed in violation of this section shall be void."

The courts are thus for the first time given the power to pass upon the right of the Legislature to create Corporations by Special Acts. Following this important change came the Act of 1868, with its more than one hundred and forty amendments, in which there has been an endeavor to systematize the general law on this subject in a way that had not before been attempted, and thereby make it unnecessary that the time of the Assembly should be occupied to any great extent with this subject. The growth of corporate management, however,

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seems to have moved steadily in advance of the effort for general laws, and in spite of these restrictive measures, and the formation of many Corporations under them, there has been an ever growing disposition to seek the aid of the Legislature in such matters. The average layman prefers to see the powers to be enjoyed by his Corporation written in express words in its charter, and these he regards as much more valuable if they are contained in a special law applicable to his Corporation alone. So far as he has the say, nothing will be left for inference.

And so it has been, not merely that charters, of doubtful validity are frequently passed by the General Assembly, for they could be more readily and with less question obtained under the general law; but a charter is frequently taken out under that law with a well-defined purpose, often avowed, of going to the next General Assembly for an enlargement of its powers, and to avoid constitutional objection, some power, often not vital or very important, will be included which is not within the scope of the general law.

As illustrating the extent to which the general law has been used, an examination in Baltimore City and the counties of Baltimore, Harford, Alleghany, Montgomery and Anne Arundel, discloses that from 1868 (the records prior to this year are not easily accessible) to the present time, nine thousand six hundred and ninety-two charters have been taken out, an average of two hundred and eigth-five each year. These are in addition to more than two hundred railroad charters which have been filed in the office of the Secretary of State.

Summing up the results of our examination we find a steady growth in the number of Corporations created during our legislative history, so much so, that the effort which began in 1838 to relieve the Assembly from the necessity of spending its time with such work, has been steadily continued, and although, as we have seen, many charters are annually taken out under the general law, yet each General Assembly has to devote a large part of its session, certainly one-fourth, to the consideration of such measures. Indeed, if each charter

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should receive from the open session of each house the attention necessary to make sure that the Corporation in question shall be kept within the present general policy of our laws towards Corporations, and that it shall gain no undue advantage, or, in the slang of the session, contain "no snakes," much more time would be consumed.

As bad though as it is from many standpoints to have so much of the ninety days of our biennial sessions so consumed, this is not by any means the worst feature of it. Where so many business interests are involved and it is popularly believed that so much may be accomplished by favor, persons gather to support and urge their respective claims, to expedite the passage of their favorite measures, to prevent their too serious amendment and to hinder and delay measures to which they are opposed. Their importunity is great, their willingness to spend more or less money to accomplish their purposes is well known, though difficult of proof to legislative committees *alone*, and the result of it all has been the building up at our State capitol and every other capitol where so many corporate privileges are to be dispensed, a powerful and well-disciplined lobby, its leadership being, generally speaking, within the ranks of the dominant party, and its ramifications in every other party, with all its attendant evils. I shall not stop to discuss these at length, they are well known by almost all who have been members of the General Assembly and by everyone who has attended its sessions to look after important business or corporate interests. This is well illustrated during the organization of the Assembly by the stress always laid in certain quarters upon the membership of the respective Committees on Corporations.

The ability and power of those in charge of the lobby are also well known and recognized with regret by many of the ablest and best of our citizens.

> "In vain we call old notions fudge,
> And bend our conscience to our dealing,
> The Ten Commandments will not budge,
> And stealing will continue stealing."

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How could there be a more pressing need for the removal from our legislative system of those features which have laid the foundation and are the main sources of such evils?

From the Constitution of 1777 up to the year 1853, all the public roads were authorized by legislative enactment, until the statute books were filled with such laws. This evil alone was sufficient to justify the entire surrender of this power by the General Assembly and its being entrusted to the county commissioners of the several counties. Why should not the existence of the further evil of corruption, which is generally incident to legislation for or against corporate interests, be frankly and openly recognized, and the necessity or opportunity for such legislation be removed as far as possible from our system?

Perhaps some will say, how can this thing be? Is there not a lobby about every Legislature, and are not those who are interested in legislation everywhere made to pay for it? Well, probably such is the case, to a greater or less degree, in accordance with the importance of the proposed legislation to the moneyed interests. But why should not the evil be reduced, the facilities for it decreased, and the opportunities it affords for a professional livelihood at our own capital be diminished? It is only by an open recognition of an evil that progress can be made towards its removal.

Now, as to the remedy for these evils. The power to furnish what corporate interests so frequently and regularly require, should be surrendered by the Legislature and lodged in some office where the responsibility is single and the charter is granted as of course upon payment of the required fees. This would be not merely a saving of the time now consumed in this way, but the removal of what is probably the chief source of corruption about the legislative halls.

In maturing such a change in our methods, when it comes about, as it surely will in the not distant future, we should see that quite a respectable portion of the sums which those interests are willing to spend with the lobby goes into the state treasury, and that before the charter is granted.

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In amending or redrafting the general law for this purpose it will be necessary to define the objects for which charters may be procured, and it is right here that the process may be simplified to advantage. Why not permit them to be formed to engage in or conduct any lawful business whatever? Other States have pursued this policy and do not seem to regret it. The Legislature has practically been doing this by Special Act for many years, and it is much more in keeping with the spirit of our institutions to grant such powers freely to each and all who are willing to pay the State their value, than to confine them to those who are willing to buy from the lobby. The advantage to be gained in this respect is a double one, the reduction of the powers for evil of a corrupt lobby, and the increase of the sources of income for the State, at a time when every reduction of the burden of taxation is gladly welcomed. In contending for thus enlarging to the fullest extent the purposes for which incorporation may be sought and obtained, it is not meant that there should be a throwing aside of the restrictions, approved by experience, under which corporate powers shall be exercised, but merely that charters for any business purpose or object in which an individual might engage may be granted, as a matter of course, without influence, to any persons who are willing to pay the State for the privilege. Let there be the fullest competition in this respect, and the largest revenue which may be reasonably gathered from it. An examination of the powers enumerated in many recent charters will disclose that they could have been given as effectually in fewer words and that the change proposed is really not an enlargement of powers, but the opening up of a favored field to full and free competition upon equal terms to all.

The duty of the official granting the charter should be as far as possible purely ministerial, as for example, examining the papers, approving their form and assessing and collecting the fees. In New Jersey the certificate of incorporation is filed in the Clerk's Office of the County where sought and a certified copy is required to be forwarded at once to the

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Secretary of State, by whom the fees are assessed and to whom they must be paid. The fee there is fixed at twenty cents for each $1,000 of capital stock which the company may issue under the proposed charter, and is in addition to all other taxes, State or county. On this basis the charters granted at our session of 1898 with a possible capital stock of $29,225,000 would have yielded fees amounting to $58,450, and those of 1900, with a like capital of $51,432,000 would have yielded $102,864.

It may be said that the evils complained of are conceded, but what reason is there to believe in the effectiveness of the remedy suggested. The answer is twofold:

1. Every effect is prevented or diminished in proportion as its cause is wholly or partly removed. If consideration of charters consumes time which the Assembly might otherwise spend more profitably to the public, and the necessity for such consideration is entirely removed, the time so consumed is entirely saved. If the improper use of money about the Legislature is in proportion to the number and importance of measures necessary or desired by the business or money interests, then the entire removal from the legislative field of a large proportion of such interests certainly decreases the opportunity for such use.
2. We have also the benefit of experience. New Jersey has profited in these respects, as in many others, from a liberal and far-seeing policy in dealing with corporations, with results confirming the effectiveness of the remedy here proposed. West Virginia, Kentucky, Delaware and Pennsylvania have recently adopted many of the features of her Corporations' laws.

Then there is experience at home. In 1898 the New Charter for Baltimore City was enacted, and one of its provisions, as contained in its 37th Section, forbids the Mayor and City Council from granting the franchise or right to use any street, avenue, alley or highway, or the franchise or right for the use of any

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public property, until an ordinance has been introduced setting forth in detail the proposed grant or franchise, and the ordinance must be referred to the Board of Estimates immediately after its first reading. The Board is required to make diligent inquiry as to the value of such grant or franchise, by public advertisement or otherwise, and then fix in the ordinance the value thereof at the largest amount it may be able to obtain therefor, and no grant may be made by the Mayor or City Council except for compensation so made and fixed by said Board of Estimates and entered upon its minutes. The same provisions are applicable to every renewal or extension of a franchise or privilege.

While this provision of the City Charter is not an entire removal from the City Council of what had been a fruitful field for the lobby, yet by its terms it goes effectively to the root of the evil in taking from the Council the power to assess the value of franchises, and the experience of those who have to deal with these matters in the City, is, that the former lobby, which was always with the Council, has lost its most profitable field and has largely disappeared.

From the very nature of cause and effect, from the experience of others and ourselves on kindred lines, it would seem the part of wisdom to apply some such remedy as that suggested to these evils.

Numerous questions will perhaps be raised and subjects closely allied in many ways with the matter in question will require careful study and consideration before the details of such changes can be perfected. It is quite possible some may think it prudent to revise our system of corporate taxaation at the same time; others may prefer a constitutional amendment covering the subject. It is not my purpose to extend this address by the discussion of any but the main question proposed. I will simply add, that I believe the plan outlined can be accomplished without going into either of

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these subjects, however desirable that may be on general principles, and that it is not wise to be lead away from the main purpose by arguments which may be used with great plausibility for delay.

The provisions of the present Constitution are ample for this work, and our plan of corporate taxation can be perfected later.

To have been instrumental in directing the attention of the gentlemen of the Maryland Bar to this important and interesting subject will be reward indeed.

The President: The next business in order is the report of the Committee on Admission and Election of New Members.

Mr. Wirt: Mr. President, on behalf of the Committee on Admissions, I beg leave to report the following names of new members of the Association:

MEMBERS ELECTED AT THE SIXTH ANNUAL MEETING.

Annapolis.

A. THEODORE BRADY.
JERRY L. SMITH.

Baltimore.

O. PARKER BAKER.
CHARLES E. COCKEY.
LLOYD JACKSON, JR.
LEE S. MEYER.
LEWIS PUTZEL.
WILLIAM C. SMITH.
WILLIAM H. SURRATT.
JAMES W. BOWERS, JR.
JAMES U. DENNIS.
OSCAR LESER.
GEORGE C. MORRISON.
BERNARD A. SCHMITZ.
HYLAND P. STEWART.

Bel Air.

WILLIAM H. HARLAN.

Cumberland.

P. C. BARNES.
F. BROOKE WHITING.

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MEMBERS ELECTED—Continued.

Easton.

GUION MILLER. J. FRANK TURNER.

Elkton.

HIESTER HESS.

Leonardtown.

B. HARRIS CAMALIER.

Oakland.

EDWIN L. MITCHELL. PERCY H. VEITCH.
JULIUS C. RENMOGER.

Towson.

T. SCOTT OFFUTT.

The President: The proposition is that these gentlemen shall be admitted as members of the Assosociation?

Mr. Wirt: Yes, sir, that is the report.

The President: You have heard the report of the Committee. What is the pleasure of the Association?

Mr. Henderson: I move that it be adopted.

The President: The Constitution requires the election of new members by ballot, and the practice has been heretofore, when there is no objection, to authorize the Secretary to cast the ballot. Mr. Henderson do you make your motion in that form?

Mr. Henderson: Yes, sir.

The President then put the motion, which was carried unanimously, and the Secretary cast the ballot of the Association for the names, and the Chair announced them elected.

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The President: The next in order is the report of the Committee on Legal Biography, Judge Briscoe is the Chairman of that Committee.

Judge Briscoe: I am requested by the Committee on Legal Biography to submit the following report:

In Memoriam.

Hon. SKIPWITH WILMER.

Within the last few weeks another honored name is gone from the roll of our members. On the 12th of July, Skipwith Wilmer of Baltimore, died at Nahant, Massachusetts, in the fifty-ninth year of his age.

In this assembly it might not be inappropriate, but it surely is unnecessary, to speak of Mr. Wilmer as a lawyer. His natural ability, his professional attainments and his personal character gave him a position among the leaders of our Bar so prominent, so generally recognized and still so fresh in the memory of all present, that more than a passing allusion is all that is here necessary. Deserved and distinguished as was his professional success, however, it was not as a lawyer only that he claimed and received in fullest measure the respect, esteem and affection of the people.

Born on February 22d, 1843, in Northampton County, Va., he was educated first at the College of St. James, in this State, and then at the University of Pennsylvania, and at the age of eighteen he passed into the higher school of war. For four years he bore arms and hardships with the enthusiasm of youth and the fortitude of a true soldier. When the Confederate States became a glorious memory, he left for Europe bearing on his body the marks of honorable wounds. Upon

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his return to this country he studied law at the University of Louisiana, and in 1867 he came to Baltimore to practice his profession. He was then in his twenty-fifth year, but he had already had a wider and deeper experience of life than comes to most men of twice that age. Throughout his life he was always ready and quick to learn, and what he once learned he never forgot or failed to apply when opportunity offered. From the Wilmers of Kent County and the Skipwiths of Mecklenburg, there flowed in his veins some of the best blood of Maryland and Virginia. His grandfather was a clergyman, and his father a bishop of the Episcopal church. He was in the truest sense a christian gentleman.

Almost immediately upon his arrival in Baltimore he became, and for more than thirty years continued, a prominent figure in the social life of that City. For several years he was a governor of the Maryland Club. He was a charter member of the University Club and from its organization its Vice-President. His cheerful temper and ready wit, a wide range of information, coupled with a willingness to take his turn as listener, made him a delightful companion and pleasing in conversation.

He was equally active and conspicuous in the work of his church. For years he regularly taught a class at Sunday school and served on the vestry of the mission church, which he long represented in the Diocesan Convention. When the Churchman's Club was formed, he was one of its founders and later became its president. For over thirty years he was a member of Christ Church, Baltimore, and for the last eight years of his life, one of its vestry and its delegate to the Diocesan Convention. For six successive terms, covering the last eighteen years, he was elected a lay deputy from Maryland to the Triennial General Convention of the Protestant Episcopal Church, and in that body he was recognized as a leader in counsel and in debate.

He was never desirous of public office, but always responded to the call of civic duty. Beginning in 1881, he served two terms in the First Branch of the City Council, and

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in 1884 he was a Presidential Elector. From 1892 to 1896 he was Judge Advocate General of the State. In 1899, at the first election under the New City Charter, he was chosen President of the Second Branch of the City Council, and held that office until failing health compelled his resignation. With decided views on all political questions, he was never a partisan. He was, from its formation, a member of the Baltimore Reform League, and a member and one of the Executive Committee of the Civil Service Reform Association.

He was still more active in the business and commercial life of his City and State. He was for years a director of the Merchants and Manufacturers Association, its counsel, and chairman of one of its most important committees. He was also a director of the Fountain Hotel Company, of the National Farmers and Planters Bank, of the Mercantile Trust and Deposit Company, of the Philadelphia, Wilmington and Baltimore Railroad, of the Georgia, Southern and Florida Railroad, the Atlantic and Charlotte Air Line Railway, the Baltimore and Chesapeake Steamship Company, and the Southern Railway Company.

When it is remembered that he never regarded any position as a sinecure and that during all of this period he was busily and successfully engaged in the practice of law, with the care of large and important interests, the wonder is how he was able also to bestow so large a measure of time and attention upon objects purely benevolent. He was one of the trustees of the Johns Hopkins Hospital and of the Greenmount Cemetery Company, both of which made constant demands upon his time. He was a governor of and counsel for Christ Church Orphan Asylum and other charitable institutions, and, as one of the trustees of the Mary Byrd Wyman Memorial and Secretary of the Board, he conducted a wide and constant correspondence with and for widows and orphans in Maryland and Virginia and throughout the South.

With all this, his profession was still his life-work and his greatest interest and pleasure. He stood easily a lawyer of the first rank, not a mere "case lawyer," but a master of the

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great legal principles. He tried successfully many important cases, not only in this State, but in almost every State of the South, and his ability as an advocate was universally recognized. He was the first Secretary of the Bar Association of Baltimore City, and, after holding other offices in succession, finally became its President. He was a member of the American Bar Association and for years regularly attended its sessions and served on important committees. He was, too, almost from the beginning, a valued member of this Association. At the trial table, in the church, and at the directors' board, others may rise to take his place, but none can say to how many the loss of their friend and counselor will be irreparable.

FREDERIC LEIST.

Frederic Leist was born in Baltimore in 1854, and was the son of the late Frederic Leist, a retired merchant. He was educated in the public schools of Baltimore, and graduated from the School of Law of the University of Maryland in 1875. He practiced his profession up to the time of his appointment as Assistant Postmaster of Baltimore, in January 1895, after which he pursued the duties of his profession, though not as actively as formerly. Mr. Leist was a widower and left a son two years old.

As Assistant Postmaster he was a very efficient and faithful officer. His genial nature and sterling qualities made him a great favorite with all with whom he came in contact. He was a man of fine literary attainments and was the possessor of one of the largest private libraries in the State. He died March 22nd, 1901.

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The President: What is the pleasure of the Association in reference to the report of the Committee?

Mr. McHenry: I move that the report be adopted.

The motion, on being seconded, was put by the Chair, and carried unanimously.

Mr. Whitelock: I would like to make this suggestion, Mr. President. If we find that we have not business enough to cover the whole morning hour, it may be well that the Chairman will kindly read one of the papers that he has alluded to in the report, and I will take the opportunity of calling that up a little later in the meeting of the Association.

The President: Then that will stand over to the conclusion of the order of business. The next report is that of the Committee on Judicial Administration and Legal Reform. Mr. John C. Rose is the Chairman of that Committee. Mr. Rose is not present. Has anyone his report?

Mr. Robinson: Mr. Rose is absent and I believe Mr. Henderson and myself are the only members of that Committee present. There is a report of Mr. Rose as Chairman of the Committee, and it is made in quite a lengthy form; it is circulated in the room and amongst the members of the Association.

The President: That is the pink printed pamphlet?

Mr. Robinson: Yes, sir, it is the report of the Committee on Judicial Administration and Legal Reform; also on Legal Ethics. I assume that the Association is not anxious to have that report read.

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Mr. Sams: I think that that report ought to be read, Mr. President, and I make it in the form of a motion, that it be read. At the end of it you will find a resolution accompanying the report, and it is not a long report; it only covers about fourteen pages.

Mr. Robinson: I move, Mr. President, that the Secretary be required to read the report.

A Member: I second the motion.

The President: The motion is that the report be read by the Secretary, and upon the votes being taken, the President announced the motion as carried. There were then cries of division! division!

The President: Gentlemen, inasmuch as there seems to be a question on the vote, the Chair would suggest that it is in order for one of the Committee to read the report.

Mr. Sams: I move that Mr. Robinson from Harford County read that report, for this reason; I know that Mr. Robinson has studied it very carefully while I have not read it. I saw him sitting up this morning at half-past five o'clock reading it.

A Delegate: I second the motion.

The Chair then put the motion, and it was carried unanimously.

Judge Sloan: To save time, Mr. President, I move that the report be read by title.

The President: It has been ordered by formal motion that the report be read; it seems to be in-

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formal to proceed otherwise unless by reconsideration of the other motion. This is a very important subject, one of the most important at this session, and it is probably the longest report and may be the only report that will have to be read in detail; there has not been much time consumed yet, and there are the resolutions that follow, and unless the Association expresses itself to reconsider the motion, why the Chair will decide that it is in order to proceed with the reading of the report, and I would ask Mr. Robinson please to read it.

Mr. Robinson then read the report:

REPORT OF THE COMMITTEE ON JUDICIAL ADMINISTRATION AND LEGAL REFORM.

At the last year's meeting of your Association Mr. James E. Ellegood moved that the Chair appoint a Committee to draft and present to the next General Assembly, a bill for the Prevention of Bribery at Elections. The motion was referred to this Committee for inquiry and report. The Committee has given the subject such consideration as the widely scattered residences of its members and their many individual engagements have permitted. All of its members have felt, to paraphrase the language of a famous resolution, that the evil of bribery at elections "has increased, is increasing and ought to be diminished."

None of them believe that it is possible to draft, much less to enact, any statute which would, in the language of the motion, "prevent bribery." So long as many men have money which they are ready to spend in buying votes, and a still larger number of men have votes which they are eager

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to sell for money, so long will bribery flourish, no matter what may be on the statute book. Intoxicating drinks are sold in Maine and in Kansas. There are gambling hells and houses of prostitution in every large city. Legal ingenuity has exhausted itself in efforts to suppress, by statutory enactment, such evils but they still exist.

Of course the maker of the motion did not intend that the word "prevent" in it should be understood literally. The evil to which he sought to direct the attention of this Association is great. There is no reason in the nature of things why it may not be possible to do something even by legislation to diminish it. Any statute which would tend to restrict its further growth would be worth all the labor and time its preparation and enactment would cost.

In view of all this it may seem that this Committee, in what it has said as to the impossibility of drafting a law to "prevent bribery," has been wasting time in verbal quibbling. Such has not been its purpose. In all that has been said your Committee has had a practical object in view. A large portion of the people seem ready to believe that the law can do anything. The result has been to place upon the statute books an immense number of enactments which cannot be enforced and which soon sink into a "desuetude" which is far from "innocuous." They accustom large classes of otherwise law abiding citizens to wink at flagrant evasions of the law and sometimes to participate in them. Such statutes are made by unscrupulous officials the fruitful instruments of political and personal blackmail.

The members of this Association see much more of the practical workings of enactments of this sort than do the mass of their fellow-citizens. We should, therefore, be careful to do nothing and to say nothing which will encourage the popular delusion that there is a legislative panacea for every ill of the body politic, if the members of the Legislature or their masters were only honest enough to want it and were wise enough to find it. There is no more a legislative air line to virtue than there is a royal road to learning. The evil of brib-

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ery is one of those devils which can be cast out only by fasting and prayer, or what for this purpose is their equivalent by the individual exertion, determination and self-restraint of a large body of the people. It will stop whenever the people want it to stop badly enough to do all that in them lies to stop it. There would be very little bribery if society looked upon a man who furnished money to buy votes with half the severity it does upon a man who is caught cheating at cards. There would not be many votes bought if the politicians were taught by experience that for every vote purchased they lost another by the refusal of a reputable man to vote the ticket which used such disreputable arguments. It is true that, as a rule, wherever bribery prevails extensively, the voter who refused to vote for a ticket for which votes were bought would not be able to vote at all, or what would amount to the same thing, would not be able to vote to any immediately practical effect. Yet if there were as many such abstainers as there were purchased votes the buyers of votes would realize that next year they could save their money and whatever was left of their character and make as good a showing at the election as if they had spent the one and if possible still further damaged the other. If it be said that enough of the people never will take such a stand to produce any practical result, the only answer that can be made is, that if it be true, it shows that no considerable portion of the people can ever be persuaded that bribery is an issue at once immediate and paramount. That is to say, that the voters feel less strongly upon it than they do upon the tariff, the currency, the colonial policy of the country, the oyster laws or the location of the county seat, and that they always will care more for those issues or for the others which will take their place as those issues are settled or drop out of public notice. But that is equivalent to affirming that the public do not in fact feel intensely that bribery is an evil to be broken up, no matter what individuals may say they feel or may even think that they feel.

Your Committee appreciates fully that well-devised laws may in various ways contribute to the eradication of an evil

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whose doom has been already declared by public opinion. One of the tests of the real sincerity and intensity of that opinion on such a subject is its readiness to demand and secure the adoption of enforceable laws tending to diminish the evil. It is never difficult to secure the enactment of unenforceable laws against such practices. The more sweeping the language of the bill the easier it is to pass, provided always that it is clear that it cannot be certainly and readily made practically effective. Ensign Stebbins, who was for the Maine law but "agin its enforcement," has many followers everywhere.

We have said all that we have said for the purpose of making perfectly clear that legislation can play after all only a subordinate part in eradicating this evil. We recognize none the less fully the duty of the legislators to do to the utmost that subordinate part.

Further, penal statutes aimed directly at the offence of bribery would be useless. The present Constitution of this State makes a conviction for the consummated offence almost impossible. It imposes penalties on both the buyer and the seller of a vote. Ordinarily they are the only people who can prove beyond the possibility of a reasonable doubt that a vote has been bought and by whom. This constitutional provision is in itself an excellent specimen of those enactments which it is never difficult to obtain. Frankly, however, your Committee does not think that in practice any appreciable harm has been done by the constitutional provision referred to, however serious the theoretical objections to it may be. There are many States which have no such constitutional barrier in the way of securing evidence of the offence. All the States, it is believed, make the buying of votes a criminal thing. In most, if not all, of them bribery prevails to a greater or less extent. Convictions for buying votes, if ever obtained, are so rare that no member of this Committee can recall ever having heard of one.

A decade ago public opinion in this country thought in the adoption of the Australian ballot would be found a remedy

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for the evil. It was supposed that under this system of voting men would no longer buy votes because men could no longer be certain that they would get what they had paid for. It was hoped that there would not be found honor enough among thieves to make the traffic profitable to the would-be purchaser.

In this State it cannot be said that as yet the soundness of the popular theory has ever been fairly tested. Prior to 1896 the provisions of the statute for giving assistance to voters, at least as those provisions were practically construed in many portions of the State, enabled pretty much anybody who chose to ask for assistance to get it whether he really needed it or not. As a rule the men who were bought asked for and obtained assistance. The law in force from 1896 to 1900 was carefully drawn to limit the right to assistance to those who did need it. Yet in Maryland the number of voters who had a right to claim that they could not vote without assistance was very large. This class of voters was also proportionately most numerous in both races in the very counties in which bribery had long been most prevalent. Another illustration of how idle in itself a legislative prohibition may be, is to be found in the perfectly well-recognized fact that wherever bribery is one of the ordinary weapons of political canvasses, the vote of the voter who is assisted by the election officer can be and is habitually bought and sold with perfect security, that the buyer will know that the voter has voted as he has been paid to vote. Yet the election officers are not only required to take an oath not to divulge any information as to how a ballot is marked, but are made punishable as for a misdemeanor if any such information is divulged by them.

The law which was enacted at the Extra Session of the General Assembly last winter prohibits assistance being given to any voters except those physically disabled from marking their ballots. Legislation in this direction further cannot go. The new law has not yet been sufficiently tested to show how its operations will affect the purchase and sale of votes. The newspaper reports from some of the cities, in which since its

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enactment municipal elections have been held, seem to indicate that the corrupt and direct use of money is still possible upon a scale sufficient to make such use an important and perhaps in some cases a determining factor in the result of elections.

The failure of the Australian system to accomplish all the good which was hoped for from it is due to various causes.

In the first place, it does not even tend to prevent the purchase of voters not to vote.

Secondly, a large part of the money distributed among the voters on election day is not so much to buy men to vote another ticket than the one they prefer, as it is to induce them to take the trouble to vote the ticket they would naturally vote if they voted at all.

Such voters, if they can be induced to cast a ballot, can almost always be relied on to vote in a particular way.

It has been frequently suggested that this opportunity for the corrupt use of money can be taken away by a law which would make voting compulsory upon every qualified citizen. No sufficiently cheap and simple way of applying this compulsion has, however, been as yet suggested. If public opinion in Maryland shall become convinced of the desirability of making voting compulsory, perhaps the easiest way to accomplish the result aimed at would be to provide that registration for one election should be held at the time and place of voting at the election of the preceding year, with proper provisions allowing the lists to be so revised as to add to them those persons who had between the two elections become, for the first time, qualified to vote in the particular precinct and also perhaps so as to permit the registration of those who, by sickness or other sufficient cause, were prevented from voting twelve months before. Such a statute, however, would in its simplest form be very difficult to draw.

Thirdly, although it seems plausible to say that the man who is corrupt enough to sell his vote is bad enough to lie as to how he voted, it is not certain that in practice this is true of the majority of the men who do sell.

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Whether they keep their word because they are too honest not to or because they are smart enough to appreciate that if they do not, they will destroy their market for the future, may be left to be discussed by those who are interested one way or the other in the soundness of the utilitarian theory of the origin of morality. It is sufficient for our present purpose to recognize the probability that enough men can be depended on to deliver the votes they have sold to permit the traffic to continue under the present law.

It is often said that the remedy for the admitted evils of bribery at elections is to be found in that class of statutes which are known as Corrupt Practices Acts. To some extent the bearings of these upon direct bribery has been misunderstood. They are mainly intended to accomplish two things. First, to render illegal various practices which but for the statutes would be lawful. Some of these things are declared illegal because experience has shown that under cover of expenditure for them votes are in fact bought. Such, for example, is the reason why the English Corrupt Practices Act forbids any expenditure for the hire of conveyances to take voters to the polls, a form of outlay in which there is nothing intrinsically wrong, and which is here generally and properly regarded as one of the most strictly legitimate expenses of the election. In England it was found, however, that voters were frequently bought under cover of hiring vehicles owned or controlled by them. With us the purchasers of voters, where the buying is most common, do not, as a rule, take the trouble to give any ingenious cover to the transaction. The purchase is made directly, not in evasion, but in flat defiance of the law.

The Corrupt Practices Acts have another purpose, and that is to reduce the power of money even when legitimately used. There are many forms of political expenditure, such as, for example, political processions, which are not directly illegitimate, which can be made to cost almost anything, which are of very little use if both parties are able equally to employ them, but which probably do count for something where only

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one party can resort to them. Well drawn Corrupt Practices Acts prohibit almost all this class of expenditure. And then they go further, and in order that there shall not be available any sum sufficient to buy voters on a large scale, they strictly limit the aggregate amount of money which may be spent in a political campaign, and they require each candidate to make a specific and itemized return, under oath, as to what sums he has spent and how. Such statutes are useful or the reverse just to the extent to which it is possible to enforce them. In England their enforcement is secured not by their various strictly penal sections, but by the provision which the law makes as to the effect of any such expenditure upon the validity of the result of the election itself.

If the English Acts were here in force and it could be proved that any Democratic committee-man had, directly or indirectly, bought a single vote for Governor Smith, Governor Smith would be ousted from the position of Governor of the State and would be ineligible for a greater or less length of time for re-election to that position, irrespective entirely of the fact that after the one bribed vote had been deducted from his total he still had over twelve thousand majority. It would be entirely irrelevant whether in the trial of the case it should be proven that Republican committee-men had purchased five thousand votes for Governor Lowndes.

An illustration of how this Act works in practice is to be found in the matter of the Monmouth Boroughs election petition. At the general Parliamentary election of 1900, one Dr. Harris was the Government candidate for the Monmouth Boroughs. He was returned elected by over seven hundred plurality in a total vote of about six thousand. An election petition was filed against his return, and at its hearing it turned out that a certain voter in the constituency had been employed to do legitimate clerical work in connection with the canvass. Now it is a provision of the English election statutes that any voter who receives money for any work done in connection with the election, no matter how innocent that work is, is disfranchised for that particular election. In order to avoid the

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loss of the vote of this employee, Dr. Harris' committee, or some of them, without his knowledge, arranged that the voter's son, a minor, should be the nominal employee; that he should come to the committee rooms where the work was being done for half an hour every afternoon, and that the check for his father's services should be made payable to him. So soon as these facts came out, Dr. Harris' counsel, in open court, announced that of course this evidence was conclusive of the case, and that his client must necessarily be unseated.

Such a state of the law and of its administration tends to make it, from the practical as well as the moral stand-point, a very unwise thing to make any expenditure forbidden by the Act, not because of any fear of punishment by indictment, but because there is grave danger that the expenditure will in itself defeat the object for which it is made. It is because it has not yet, so far as your Committee is aware, been found practical anywhere in this country to re-enact this essential feature of the English statutes that almost all the American Corrupt Practices Acts have proven of very little use.

There are various reasons why this provision would be hard to adapt to our conditions here.

In the first place, in England, one or two offices are, as a rule, the most for which any voter at any one time is called on to vote. Here he frequently casts his ballot for fifteen or twenty. Should all of the candidates on the ticket of the particular political party for which a vote has been purchased be included in the same general penalty? For example—Judge Charles E. Phelps was on all the tickets at the election in Baltimore City in 1897. If some voter had been bought to come to the polls and vote the Republican ticket on which Judge Phelps' name was, and an election petition had been filed and the fact had come out, should Judge Phelps have lost his seat on the Bench? Quite clearly not, from any sensible stand-point, and yet to provide for the occasions in which the statute should not have its ordinary effect and still leave enough of the statute to be of any use under our system, would tax the ingenuity of the ablest and most experienced legal

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draftsmen amongst us. These election petitions, moreover, in England, all come on to be tried before some one or more of the judges of the High Court. That is, before men who have been selected for life from among the leaders of the English Bar and who are, as a rule, not appointed because of any local connections. It would there very rarely occur that any judge assigned to the trial of an election petition would have any close acquaintance or connection with any of the parties involved. Our method of selecting our judges by elections participated in by the voters of a limited locality, to which locality the jurisdiction of these judges sitting as a court of first instance is limited, introduces a number of practical difficulties into the problem which in England do not exist.

Some good may doubtless be done by requiring the candidate to make a sworn return, under oath, of the amount and character of his expenditure. The only real value of this return is in the information it gives, or at least that it will give, where the candidate is a reasonably honest man, as to the amount of his expenditures. Where such statutes prevail the candidate almost invariably reports that he has made no other expenditures than those of the most innocent sort, except a very large contribution to the campaign committee of his party. His knowledge as to what is done with the money there stops. Still as to certain classes of offices even this return is of value. The information revealed by it has, in New York, centered public opinion upon the impropriety of large contributions being made by candidates for judicial positions. To that extent good has been done. We have not felt that we had any direct instruction from you to prepare such a Corrupt Practices Act as might be reasonably regarded as enforceable, nor had we the time or opportunity for the frequent conference which would have been necessary for the preparation of any such statute. For the reasons stated, at too much length already in this report, we were extremely unwilling to prepare any statute or to recommend to you any statute which we did not believe could be enforced with a reasonable degree of thoroughness and certainty.

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It has occurred to us in the consideration of the subject, that it probably would be possible to close, with some approach to completeness, one source from which has already come large sums of money to be employed in political campaigns, and the employment of which was from the very nature of its origin demoralizing. We have reference to political contributions by corporations. Your Committee has not been able to conceive of any ordinary circumstances under which a corporation has any right to contribute to the payment of the expenses of political campaigns. Such expenditures, we take it, are not within the chartered powers of any corporation, except perhaps of those avowedly political clubs which, however, are incorporated for the mere purpose of more conveniently making their ordinary contracts for the rent or construction of buildings, etc. The majority, or perhaps all, of the stockholders of an ordinary business corporation may feel that the triumph of a particular party or candidate will be advantageous or the reverse to them and to the corporation which they own. If so, each stockholder may be perfectly free to contribute what he or she thinks proper to the funds of the party advocating or opposing that which in his or her judgment promoted or threatened their interest. But the corporation as such has no right whatever so to expend the corporate funds. There is very little question that such expenditures when made are ordinarily under the existing law *ultra vires.* Nor in fact is it usually true that the corporation is merely acting for the individual stockholders and making those contributions on their behalf which they are desirous to make out of their own funds, but which are made for them in bulk by the corporation as a mere matter of convenience. It probably very seldom happens that a corporation large enough to make a contribution of any material moment to a campaign, has all of its stockholders of one way of thinking with reference to any particular election. Very often a large majority of them may be of one political faith, but almost invariably there will be a minority of the other. So much of modern business is done through corporations than an effective prohibition upon con-

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tributions by corporations would largely reduce the funds which would be available for election purposes.

In any discussion of this question it must be borne in mind that many of the political contributions now made by corporations are no more voluntary than are the payments made for the same purposes by holders of public offices. Large business corporations, and especially those incorporated for *quasi* public purposes, are peculiarly subject to political blackmail. They often feel constrained to contribute not only to one political party but to both, and an enforceable prohibition of such contributions would probably be welcomed by most of the better class of corporation officials. Conceivably sometimes business interests may have perfectly legitimate grounds for contributing for political objects, but there is no question that there is the gravest possible reason to fear that such contributions are not always, perhaps are not usually, made for any defensible reasons; even when originally made from perfectly proper motives such contributions may subsequently be made the basis for demands which it is not for the public interests to grant.

It is, if possible, still clearer that corporations ought not to be allowed to contribute funds for the purpose of influencing the action of legislative bodies. Corporations may properly have their lawyers appear publicly as their lawyers before legislative committees. They may legitimately incur expenditures for printing and advertising with reference to measures pending before the Legislature, although when the advertising is paid for out of the corporate funds such fact should always appear upon the face of the advertisement itself. There may be a few other expenditures in connection with legislative action which a corporation may properly incur, although we do not at present recall any. Beyond these narrowly defined limits, however, no corporation should be allowed to spend a penny for the purpose of affecting the action of any legislative body or committee.

Your Committee has given consideration to this question of corporate contributions for political objects because it felt

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that no harm and much good might be done by the prevention of such contributions. It has seemed to your Committee that it is probable that an effective measure for their prevention might be prepared. Your Committee would not expect much from the strictly penal provisions of any bill which might be drawn with such an end in view. It does hope, however, that reliance might be placed upon another class of provisions which could be introduced into such an Act and by which every director in the corporation at the time any such forbidden political expenditure is made, who does not within a limited time after such expenditure has been authorized or made, take steps to have the payment of the money prevented, or if paid, recovered, shall be made personally, jointly and severally liable to repay the amount of such contribution to the corporate funds at the suit of the State or of any person who is a stockholder at the time such expenditure is made, or who shall become a stockholder within some definitely fixed number of years after the time of the making of such expenditure, or at the suit of any creditor of the corporation or of any person who shall become a creditor within such fixed number of years thereafter.

Your Committee is of opinion that human nature being what it is, a statute so worded would be more effectual in preventing political expenditures by corporations than would any number of merely penal enactments.

Your Committee, therefore, recommends the adoption of the resolutions which will be found annexed to this report.

CODE OF LEGAL ETHICS.

The Executive Council has instructed your Committee to prepare and report to this meeting of the Association a Code of Legal Ethics for the government of the Bar of this State.

Your Committee regret that circumstances have prevented its members from giving the subject that careful and mature

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consideration which its importance demands. No man can be made a gentleman by the perusal of books on etiquette. It is not probable that those persons whose letters have been most entertaining are those who have spent most time in the study of "complete letter-writers." The promulgation of the most elevated code of morality does not prove that the people who promulgate it, much less those who read it, will always be honest and upright. Many young men, however, are called to the Bar without having had any opportunity of coming in close personal contact with that class of its older members who are most thoroughly saturated with its best and noblest traditions. There are many men who are admitted to the Bar who have no desire to offend against the generally accepted Code of Ethics prevailing in their profession, only they do not know what that accepted Code is. These are, in the opinion of your Committee, sufficient reasons why such a Code should be formulated.

One of the questions to be most gravely considered is what sanction shall be given to such Code if one shall be promulgated by this Association? Shall we seek to obtain an Act of the Legislature or rules of court declaring that breaches of it shall render the offender liable to disciplinarian processes, or shall reliance for its usefulness be solely had upon the moral and professional sanction which it will receive from matured approval of this Association? One thing is quite certain, that whatever course shall be taken as to the sanction, no such Code should be adopted until it has been thoroughly and deliberately considered by this body. We have, ourselves, examined the Codes of Legal Ethics which have been adopted by the State Bar Associations of Alabama and Virginia. With few and unimportant exceptions they commend themselves to our judgment. We think, however, that they should be printed and circulated among all the members of this Association, and that each member of the Association should be urged to consider them carefully, and not later than the first of February, 1902, submit his suggestions upon them to the Secretary of this Association for the guidance of the

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Committee on Judicial Administration and Legal Reform, to be appointed by the President to be elected at this meeting. Such Committee, with these suggestions before it, will then be in a position to prepare and report to the next meeting of the Association such Code as it may believe best adapted to maintain the honor and dignity of the profession in this State.

We recommend the adoption of the annexed resolutions.

Respectfully submitted,

JOHN C. ROSE, *Chairman.*

Mr. Robinson: In addition to that, Mr. President, there is a Proposed Code of Legal Ethics which is also printed, and which I will not read, and a resolution in reference to them, which, with your permission, I will read.

Resolution Relating to Political Contributions by Corporations, Annexed to Report of Committee on Judicial Administration and Legal Reform.

Resolved, That in the opinion of the Maryland State Bar Association corporations should be forbidden to make contributions for political purposes.

Resolved further, That as a means of enforcing such prohibition, the law should impose upon the directors of such corporations a joint and several personal liability to refund the amount of such contributions which they may authorize or permit their corporation to make.

Resolved further, That the Chair appoint a committee of——— members to draft, for presentation to the next General Assembly, a bill embodying these recommendations.

Resolution Relating to a Code of Legal Ethics, Annexed to Report of Committee on Judicial Administration and Legal Reform.

Resolved, That it is the sense of the Maryland State Bar Association that this Association shall adopt a Code of Legal Ethics.

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That copies of the Code of the Alabama and Virginia State Bar Associations, with so much of the report of the Committee on Judicial Administration and Legal Reform as relates to the subject of such Code, shall be sent by the Secretary to each member of this Association, and that each member of this Association is hereby urged to carefully examine such Code and such report, and sometime before the first day of February, 1902, to send to the Secretary of this Association his comments and criticisms upon such Code with any suggestions he may have as to amendments, either in the way of addition or exclusion.

That the Committee on Judicial Administration and Legal Reform, to be appointed by the President elected at this meeting, shall begin not later than the fifteenth day of February, 1902, the consideration of the communications which, in accordance with the annexed above resolution, may by that time have been received by the Secretary from the members of this Association. And that after considering such communications they shall prepare the draft of a Code of Legal Ethics to be submitted to the next meeting of the State Bar Association.

THE PROPOSED CODE OF LEGAL ETHICS.

To the courtesy of the President of the Alabama State Bar Association, HONORABLE J. J. WILLETT, of Anniston, Alabama, and of the Secretary of the Virginia State Bar Association, E. C. MASSIE, ESQ., of Richmond, Virginia, I am indebted for authentic copies of the "*Codes of Ethics*," together with the information, kindly volunteered by the first-named gentleman, that they originated mainly with the late Governor of Alabama, HONORABLE THOMAS G. JONES.

CHARLES E. PHELPS.

BALTIMORE, April, 1900.

The purity and efficiency of judicial administration, which, under our system, is largely government itself, depend as much upon the character, conduct, and demeanor of attorneys in their great trust, as upon the fidelity and learning of courts, or the honesty and intelligence of juries.

"There is, perhaps, no profession after that of the sacred ministry, in which a high-toned morality is more imperatively necessary than that of the law. There is certainly, without any exception, no profession in which so many temptations be-

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set the path to swerve frow the lines of strict integrity; in which so many delicate and difficult questions of duty are constantly arising. There are pitfalls and man-traps at every step, and the mere youth at the very outset of his career, needs often the prudence and self-denial, as well as the moral courage, which belong commonly to riper years. High moral principle is his only safe guide; the only torch to light his way amidst darkness and obstruction."—Sharswood.

[A comprehensive summary of the duties specifically enjoined by law upon attorneys, which they are sworn "not to violate," is found in section 791 of the Code of Alabama.

These duties are:

"1st. To support the Constitution and laws of this State and the United States.

2nd. To maintain the respect due to courts of justice and judicial officers.

3d. To employ, for the purpose of maintaining the causes confided to them, such means only as are consistent with truth; and never to seek to mislead the judges by any artifice or false statement of the law.

4th. To maintain inviolate the confidence, and at every peril to themselves, to preserve the secrets of their clients.

5th. To abstain from all offensive personalities, and to advance no fact prejudicial to the honor or reputation of a party or a witness, unless required by the justice of the cause with which they are charged.

6th. To encourage neither the commencement nor continuance of an action or proceeding, from any motive of passion or interest.

7th. Never to reject, for any consideration personal to themselves, the cause of the defenseless or oppressed."]*

No rule will determine an attorney's duty in the varying phases of every case. What is right and proper must, in the absence of statutory rules and an authoritative code, be ascer-

*Omitted by Va. B. A. See Md. Code Public General Laws, Art. X, secs. 10-13.

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tained in view of the peculiar facts, in the light of conscience, and the conduct of honorable and distinguished attorneys in similar cases, and by analogy to the duties enjoined by statute, and the rules of good neighborhood.

The following general rules are adopted by the [Alabama]* State Bar Association for the guidance of its members:

Duty of Attorneys to Courts and Judicial Officers.

1. The respect enjoined by law for courts and judicial officers is exacted for the sake of the office, and not for the individual who administers it. Bad opinion of the incumbent, however well founded, can not excuse the withholding of the respect due the office, while administering its functions.

2. The proprieties of the judicial station, in a great measure, disable the judge from defending himself against strictures upon his official conduct. For this reason, and because such criticisms tend to impair public confidence in the administration of justice, attorneys should, as a rule, refrain from published criticism of judicial conduct, especially in reference to causes in which they have been of counsel, otherwise than in courts of review, or when the conduct of the judge is necessarily involved in determining his removal from or continuance in office.

3. Marked attention and unusual hospitality to a judge, when the relations of the parties are such that they would not otherwise be extended, subject both judge and attorney to misconstruction, and should be sedulously avoided. A self-respecting independence in the discharge of the attorney's duties, which at the same time does not withhold the courtesy and respect due the judge's station, is the only just foundation for cordial, personal and official relations between bench and bar. All attempts by means beyond these to gain special personal consideration and favor of a judge are disreputable.

*"Virginia," by Va. B. A.

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4. Courts and judicial officers, in the rightful exercise of their functions, should always receive the support and countenance of attorneys against unjust criticism and popular clamor; and it is an attorney's duty to give them his moral support in all proper ways, and particularly by setting a good example in his own person of obedience to law.

5. The utmost candor and fairness should characterize the dealings of attorneys with the courts and with each other. Knowingly citing as authority an overruled case, or treating a repealed statue as in existence—knowingly misquoting the language of a decision or text-book—knowingly misstating the contents of a paper, the testimony of a witness, or the language or argument of opposite counsel—offering evidence which it is known the court must reject as illegal, to get it before the jury, under guise of arguing its admissibility—and all kindred practices—are deceits and evasions unworthy of attorneys.

Purposely concealing or withholding in the opening argument, positions intended finally to be relied on, in order that opposite counsel may not discuss them, is unprofessional. Courts and juries look with disfavor on such practices, and are quick to suspect the weakness of the cause which has need to resort to them.

In the argument of demurrers, admission of evidence, and other questions of law, counsel should carefully refrain from "side-bar" remarks and sparring discourse, to influence the jury or bystanders. Personal colloquies between counsel tend to delay, and promote unseemly wrangling, and ought to be discouraged.

6. Attorneys owe it to the courts and the public whose business the courts transact, as well as to their own clients, to be punctual in attendance on their causes; and whenever an attorney is late he should apologize, or explain his absence.

7. One side must always lose the cause; and it is not wise, or respectful to the court, for attorneys to display temper because of an adverse ruling.

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Duty of Attorneys to each other, to Clients and to the Public.

8. An attorney should strive, at all times, to uphold the honor, maintain the dignity, and promote the usefulness of the profession; for it is so interwoven with the administration of justice, that whatever redounds to the good of one advances the other; and the attorney thus discharges, not merely an obligation to his brothers, but a high duty to the State and his fellow-man.

9. An attorney should not speak slightingly or disparagingly of his profession, or pander in any way to unjust popular prejudices against it; and he should scrupulously refrain at all times, and in all relations of life, from availing himself of any prejudice or popular misconception against lawyers, in order to carry a point against a brother attorney.

10. Nothing has been more potential in creating and pandering to popular prejudice against lawyers as a class, and in witholding from the profession the full measure of public esteem and confidence which belong to the proper discharge of its duties, than the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is an attorney's duty to do everything to succed in his client's cause.

An attorney "owes entire devotion to the interest of his client, warm zeal in the maintenance and defense of his cause, and the exertion of the utmost skill and ability," to the end, that nothing may be taken or withheld from him, save by the rules of law, legally applied. No sacrifice or peril, even to loss of life itself, can absolve from the fearless discharge of this duty. Nevertheless, it is steadfastly to be borne in mind that the great trust is to be performed within, and not without the bounds of the law which creates it. The attorney's office does not destroy man's accountability to his Creator, or loosen the duty of obedience to law, and the obligation to his neighbor; and it does not permit, much less demand, violation of law, or any manner of fraud or chicanery, for the client's sake.

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11. Attorneys should fearlessly expose before the proper tribunals corrupt or dishonest conduct in the profession; and there should never be any hesitancy in accepting employment against an attorney who has wronged his client.

12. An attorney appearing or continuing as private counsel in the prosecution for a crime of which he believes the accused innocent, for-swears himself. The state's attorney is criminal, if he presses for a conviction, when upon the evidence he believes the prisoner innocent. If the evidence is not plain enough to justify a *nolle pros.*, a public prosecutor should submit the case, with such comments as are pertinent, accompanied by a candid statement of his own doubts.

13. An attorney can not reject the defense of a person accused of a criminal offense, because he knows or believes him guilty. It is his duty by all fair and lawful means to present such defenses as the law of the land permits; to the end that no one may be deprived of life or liberty, but by due process of law.

14. An attorney must decline in a civil cause to conduct a prosecution, when satisfied that the purpose is merely to harass or injure the opposite party, or to work oppression and wrong.

15. It is a bad practice for an attorney to communicate or argue privately with the judge as to the merits of his cause.*

16. Newspaper advertisements, circulars and business cards, tendering professional services to the general public, are proper; but special solicitation of particular individuals to become clients [ought to be avoided].† Indirect advertisement for business, by furnishing or inspiring editorials or press

*Compare with No. 55.

†"Is disreputable," Va. B. A. See President's Annual Address to Maryland State Bar Association, 1899 (Hon. John Prentiss Poe). As to frequenting jails, &c., in search of criminal practice, see section added to Md. Code Public General Laws, Article X, by 1900, ch. 18.

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notices, regarding causes in which the attorney takes part, the manner in which they were conducted, the importance of his positions, the magnitude of the interests involved, and all other like self-laudation, is of evil tendency and wholly unprofessional.

17. Newspaper publications by an attorney as to the merits of pending or anticipated litigation, call forth discussion and reply from the opposite party, tend to prevent a fair trial in the courts, and otherwise prejudice the due administration of justice. It requires a strong case to justify such publications; and when proper, it is unprofessional to make them anonymously.

18. When an attorney is a witness for his client except as to formal matters, such as the attestation or custody of an instrument and the like, he should leave the trial of the cause to other counsel. Except when essential to the ends of justice, an attorney should scrupulously avoid testifying in court in behalf of his client, as to any matter.

19. The same reasons which make it improper in general for an attorney to testify for his client, apply with greater force to assertions, sometimes made by counsel in argument, of a personal belief of the client's innocence or the justice of his cause. If such assertions are habitually made they lose all force and subject the attorney to falsehoods; while the failure to make them in particular cases will often be esteemed a tacit admission of belief of the client's guilt, or the weakness of his cause.*

20. It is indecent to hunt up defects in titles, and the like, and inform thereof, in order to be employed to bring suit; or to seek out a person supposed to have a cause of action, and endeavor to get a fee to litigate about it. Except where ties of blood, relationship or trust, make it an attorney's duty, it is unprofessional to volunteer advice to bring a law suit.

*Condensed by Va. B. A. Such assertions "to be discouraged."

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Stirring up strife and litigation is forbidden by law, and disreputable in morals.

21. Communications and confidence between client and attorney are the property and secrets of the client, and can not be divulged, except at his instance; even the death of the client does not absolve the attorney from his obligation of secrecy.

22. The duty not to divulge the secrets of clients extends further than mere silence by the attorney, and forbids accepting retainers or employment afterwards from others involving the client's interests; in the matters about which the confidence was reposed. When the secrets or confidence of a former client may be availed of or be material in a subsequent suit, as the basis of any judgment which may injuriously affect his rights, the attorney can not appear in such cause, without the consent of his former client.

23. An attorney can never attack an instrument or paper drawn by him for any infirmity apparent on its face; nor for any other cause where confidence has been reposed as to the facts concerning it. Where the attorney acted as a mere [conveyancer*], and was not consulted as to the facts, and, unknown to him, the transaction amounted to a violation of the [criminal†] laws, he may assail it on that ground, in suits between third persons, or between parties to the instrument and strangers.

24. An attorney openly, and in his true character, may render purely professional services before committees, regarding proposed legislation, and in advocacy of claims before departments of the government, upon the same principles of ethics which justify his appearance before the courts; but it is immoral and illegal for an attorney so engaged to conceal his attorneyship, or to employ secret personal solicitations, or to

*"Scrivener," by Va. B. A.
†"Criminal" omitted by Va. B. A.

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use means other than those addressed to the reason and understanding, to influence action.

25. An attorney can never represent conflicting interests in the same suit or transaction, except by express consent of all so concerned, with full knowledge of the facts. Even then, such a position is embarrassing, and ought to be avoided. An attorney represents conflicting interests, within the meaning of this rule, when it is his duty, in behalf of one of his clients, to contend for that which duty to other clients in the transaction requires him to oppose.*

26. "It is not a desirable professional reputation to live and die with—that of a rough tongue, which makes a man to be sought out and retained to gratify the malevolent feeling of a suitor, in hearing the other side well lashed and villified."

27. An attorney is under no obligation to minister to the malevolence or prejudices of a client in the trial or conduct of a cause. The client can not be made the keeper of the attorney's conscience in professional matters. He can not demand as of right that his attorney shall abuse the opposite party, or indulge in offensive personalties. The attorney, under the solemnity of his oath, must determine for himself, whether such a course is essential to the ends of justice, and therefore justifiable.

28. Clients and not their attorneys are the litigants; and whatever may be the ill-feeling existing between clients, it is unprofessional for attorneys to partake of it in their conduct and demeanor to each other, or to suitors in the case.

29. In the conduct of litigation and the trial of causes the attorneys should try the merits of the cause, and not try each other. It is not proper to allude to, or comment upon, the personal history, or mental or physical peculiarities or idiosyncrasies of opposite counsel. Personalities should always

*Compare with No. 22.

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be avoided, and the utmost courtesy always extended to an honorable opponent.

30. As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposite attorney to trial when he is under affliction or bereavement; forcing the trial on a particular day to the serious injury of the opposite attorney, when no harm will result from a trial at a different time; the time allowed for signing a bill of exceptions, crossing interrogatories, and the like; the attorney must be allowed to judge. No client has a right to demand that his attorney shall be illiberal in such matters, or that he should do anything therein repugnant to his own sense of honor and propriety; and if such a course is insisted on, the attorney should retire from the cause.

31. Where an attorney has more than one regular client, the oldest client, in the absence of some agreement, should have the preference of retaining the attorney, as against his other clients in litigation between them.*

32. The miscarriages to which justice is subject, and the uncertainty of predicting results, admonish attorneys to beware of bold and confident assurances to clients, especially where the employment depends upon the assurance, and the case is not plain.

33. Prompt preparation for trial, punctuality in answering letters and keeping engagements, are due from an attorney to his client, and do much to strengthen their confidence and friendship.

34. An attorney is in honor bound to disclose to the client at the time of retainer, all the circumstances of his relation to the parties, or interest or connection with the controversy, which might justly influence the client in the selection of his

*Omitted by Va. B. A.

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attorney. He must decline to appear in any cause where his obligations or relations to the opposite parties will hinder or seriously embarrass the full and fearless discharge of all his duties.*

35. An attorney should endeavor to obtain full knowledge of his client's cause before advising him, and is bound to give him a candid opinion of the merits and probable result of his cause. When the controversy will admit of it he ought to seek to adjust it without litigation, if practicable.

36. Where an attorney, during the existence of the relation, has lawfully made an agreement which binds his client, he can not honorably refuse to give the opposite party evidence of the agreement, because of his subsequent discharge or instructions to that effect by his former client.†

37. Money or other trust property coming into the possession of the attorney, should be promptly reported, and never commingled with his private property or used by him, except with the client's knowledge and consent.

38. Attorneys should, as far as possible, avoid becoming either borrowers or creditors of their client; and they ought scrupulously to refrain from bargaining about the subject-matter of the litigation, so long as the relation of attorney and client continues.

39. Natural solicitude of clients often prompts them to offer assistance of additional counsel. This should not be met, as it sometimes is, as evidence of want of confidence; but after advising frankly with the client, it should be left to his determination.

40. Important agreements affecting the rights of clients should, as far as possible, be reduced to writing; but it is dis-

*Compare with Nos. 22 and 25.
†Omitted by Va. B. A.

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honorable to avoid performance of an agreement fairly made, because not reduced to writing as required by rules of court.

41. An attorney should not ignore known customs or practice of the bar of a particular court, even when the law permits, without giving opposing counsel timely notice.

42. An attorney should not attempt to compromise with the opposite party, without notifying his attorney, if practicable.*

43. When attorneys jointly associated in a cause can not agree as to any matter vital to the interests of their client, the course to be pursued should be left to his determination. The client's decision should be cheerfully acquiesced in, unless the nature of the difference makes it impracticable for the attorney to co-operate heartily and effectively; in which event it is his duty to ask to be discharged.

44. An attorney coming into a cause in which others are employed, should give notice as soon as practicable and ask for a conference, and if the association is objectionable to the attorney already in the cause, the other attorney should decline to take part, unless the first attorney is relieved.†

45. An attorney ought not to engage in discussion or arguments about the merits of the case with the opposite party, without notice to his attorney.

46. Satisfactory relations between attorney and client are best preserved by a frank and explicit understanding at the outset, as to the amount of the attorney's compensation; and, where it is possible, this should always be agreed on in advance.

47. In general, it is better to yield something to a client's dissatisfaction at the amount of the fee, though the sum be

*Compare with No. 45.
†Omitted by Va. B. A.

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reasonable, than to engage in a law suit to justify it, which ought always to be avoided, except as a last resort to prevent imposition or fraud.

48. Men, as a rule, over-estimate rather than undervalue the worth of their services, and attorneys in fixings their fees should avoid charges which unduly magnify the value of their advice and services, as well as those which practically belittle them. A client's ability to pay can never justify a charge for more than the service is worth; though his poverty may require a less charge in many instances, and sometimes none at all.*

49. An attorney may charge a regular client, who entrusts him with all his business, less for a particular service than he would charge a casual client for like services. The element of uncertainty of compensation where a contingent fee is agreed on, justifies higher charges than where compensation is assured.*

50. In fixing fees the following element should be considered: 1st. The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to properly conduct the cause. 2d. Whether the particular case will debar the attorney's appearance for others in cases likely to arise out of the transaction, and in which there is a reasonable expectation that the attorney would otherwise be employed; and herein of the loss of other business while employed in the particular case, and the antagonism with other clients growing out of the employment. 3d. The customary charges of the Bar for similar services. 4th. The real amount involved and the benefit resulting from the service. 5th. Whether the compensation was contingent or assured. 6th. Is the client a regular one, retaining the attorney in all his business? No one of these considerations is in itself controlling. They are mere guides in ascertaining what the service was really worth; and in fixing the amount

*Omitted by Va. B. A.

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it should never be forgotten that the profession is a branch of the administration of justice and not a mere money-getting trade.

51. Contingent fees may be contracted for; but they lead to many abuses, and certain compensation is to be preferred.

52. Casual and slight services should be rendered without charge by one attorney to another in his personal cause; but when the service goes beyond this an attorney my be charged as other clients. Ordinary advice and services to the family of a deceased attorney, should be rendered without charge in most instances; and where the circumstances make it proper to charge, the fees should generally be less than in case of other clients.

53. Witnesses and suitors should be treated with fairness and kindness. When essential to the ends of justice to arraign their conduct or testimony, it should be done without villification or unnecessary harshness. Fierceness of manner and uncivil behavior can add nothing to the truthful dissection of a false witness' testimony, and often rob deserved strictures of proper weight.

54. It is the duty of the court and its officers to provide for the comfort of jurors. Displaying special concern for their comfort, and volunteering to ask favors for them, while they are present—such as frequent motions to adjourn trials, or take a recess, solely on the ground of the jury's fatigue, or hunger, the uncomfortableness of their seats, or the court-room, and the like—should be avoided. Such intervention of attorneys, when proper, ought to be had privately with the court; whereby there will be no appearance of fawning upon the jury, nor ground for ill-feeling of the jury towards court or opposite counsel, if such requests are denied. For like reasons, one attorney should never ask another in the presence of the jury, to consent to its discharge or dispersion; and when such a request is made by the court, the attorneys, with-

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out indicating their preference, should ask to be heard, after the jury withdraws. [And all propositions from counsel to dispense with argument should be made and discussed out of the hearing of the jury.]*

55. An attorney ought never to converse privately with jurors about the case; and must avoid all unnecessary communication, even as to matters foreign to the cause, both before and during the trial. Any other course, no matter how blameless the attorney's motives, gives color for imputing evil designs, and often leads to scandal in the administration of justice.

56. An attorney assigned as counsel for an indigent prisoner ought not ask to be excused for any light cause, and should always be a friend to the defenseless and oppressed.

*Added by Va. B. A.

The President: Gentlemen, you have heard the report of the Committee. What is the pleasure of the Association in regard to it?

Judge McSherry: I move its adoption, Mr. Chairman.

The motion, on being seconded, was carried unanimously.

The President: Would it be necessary to present the resolutions in turn and have them adopted, in addition to the report?

Mr. Wirt: One of the resolutions is incomplete as it now stands; it does not provide for the number of the Committee.

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The President: Will you fill that in and complete the resolution?

Mr. Wirt: I move to fill in the blank by making the Committee three.

The President: Mr. Wirt moves to complete the resolution by making the Committee three. The motion is seconded, and I will put it.

The motion was then put by the President, and carried unanimously.

The President: What will be done with the second resolution?

Mr. Whitelock: I would like to inquire whether there is to be any discussion of that branch of the report?

The President: Which part; the second resolution?

Mr. Whitelock: Yes, sir, the second resolution, because it seems to me, Mr. Chairman, before a motion is put here, we may, with profit, have some discussion of that branch of the subject.

The President: If you will move the adoption of the resolution, then the discussion will be in order.

Mr. Whitelock: I do not want to do that, Mr. Chairman, because I am not in favor of it in its present form, but it being recommended here that the members be invited to make suggestions in respect to the Code of Legal Ethics and send them to the members of a Committee to be appointed, not later than the 15th of February, 1902, in order that they may be embodied in the Code supposed to be trans-

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mitted to the Legislature; now it seems to me that it would be wise for us to have some discussion of the part of the Code such as this Committee has submitted. I am afraid, personally, that if it is to be left to the members of the Association at large, there will be very few suggestions sent to the members of the Committee, and that is why I do not want to move the adoption of the resolution just now. This is a very important matter and a very interesting document. I have run over it somewhat cursorily, and found it very entertaining.

Mr. Sams: Allow me to say, for a moment, that there is no idea of sending this Proposed Code to the Legislature of Maryland to enact into an Act of Assembly. If Mr. Whitelock will look at the end of the report, he will find out that the Alabama State Bar Association and the Virginia State Bar Association adopted the two Codes that are printed in the back of this report simply as a guidance for the members of the Bar. It is not the intention of the Committee to send it to the Legislature and have it enacted into an Act of Assembly.

Mr. Robinson: The resolution expressly provides that it is to be submitted to the next meeting of the State Bar Association and not to the Legislature.

Mr. Sams: The report says that to submit the suggestions to the Secretary of this Association for the guidance of the Committee on Judicial Administration and Legal Reform, the report to be presented to the next meeting of this Association.

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Mr. Whitelock: I see that that is there; I had not observed it; I had looked at it rather hastily, now I would move the adoption of the resolution.

The motion, on being seconded, was put, and carried unanimously.

The President: Mr. Bernard has a matter to bring to the attention of the Association.

Mr. Bernard: Mr. President, ladies and gentlemen, the members of the Garrett County Bar gave the State Bar Association a very kind invitation to take a drive around the mountains at some time during the sessions of the Association. On behalf of the Committee having charge of the meeting, and on behalf of the Executive Committee, and I am sure I voice the sentiments of the whole Association, when I heartily thank the Garrett County Bar for the kind invitation. The invitation came after the program was made up and the Secretary could only issue the invitation to the members by way of a supplemental notice or program. Now we find that it is impossible to avail ourselves of the invitation either to-day or to-morrow without crowding up considerable of the business of the Association, and the only thing that we find that is left for us to do in order to avail ourselves of the invitation, is, that for those who remain over on Friday morning, to see if they can get up a sufficient number of such persons as do remain over, who are not exhausted from the Committee duties of the day and the evening before, who would avail themselves of the invitation to take this excursion, and in order to see if the number will be suffi-

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cient, to show our full appreciation of the invitation, I have prepared a paper that I will leave on the Secretary's desk for such persons to sign as will go.

Mr. Broening: Wouldn't it be well to make some statement in reference to the train time, etc.?

Mr. Bernard: Well, now, we have found out that such as will remain and will make the excursion will have time, after returning to the hotel, to get their dinner, and then be in time for the evening train going to Baltimore. Now, I presume, all the gentlemen have the circular showing the character of this drive, and therefore it is not necessary to read that.

Mr. President, perhaps some member of the Garrett County Bar would like to be heard on the subject.

Mr. Sincell: We would like to know, gentlemen, on behalf of the Garrett County Bar Association, how many will go on this drive, and hope every gentleman who is here will go with us, and the ladies accompanying them, and we would like to know to-day, if we could, so that we can make our final arrangements about it.

Mr. Bernard: In answer to that, Mr. President, I will say that there is the opportunity, I think, for every gentleman who wishes to go, and will sign that paper to-day, to do so, saying that he will be able to go, so that the Committee of the Garrett County Bar will have the information before this day is over.

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The President: Would you say before the afternoon meeting or before the night meeting?

Mr. Sincell: Before the night meeting.

The President: Any time before the night meeting?

Mr. Sincell: I hope that all will sign this morning, all who are willing to go.

The President: The request is that all those who are desirous of availing themselves of the invitation of the Garrett County Bar will sign the proposed paper here, before eight o'clock this evening, so that the gentlemen giving the invitation will know just who it is necessary to provide for. The next business is the report of the Committee on Grievances, Mr. Alexander Armstrong, Chairman.

Mr. Armstrong: No grievances have been brought to the attention of the Grievance Committee. We have never had the pleasure of a meeting and we are very glad that the report will be that all is quiet.

The President: The next business is the report of the Committee on Legal Education.

Mr. Richmond: Gentlemen of the Association, I will read the report of the Committee on Legal Education:

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REPORT OF COMMITTEE ON LEGAL EDUCATION.

As there has been no session of the Legislature, for general legislation, since the last meeting of this Association, there has, of course, been no opportunity to secure from the General Assembly an amendment of the law regulating the admission of members of the Bar. It will be remembered, that upon the advice of the Committee on Legal Education, a resolution was passed by this Association, last year, recommending to the General Assembly the passage of an amendment of the Act of 1898, requiring that three years' study at a law school, or in the office of a member of the Bar of this State, shall be a necessary qualification for admission to the Bar. From our observation, during many years, of the evils and inconveniences too often arising from the hasty admission to the Bar of applicants immature in their legal equipment for the practice of the profession, we are convinced that a continuous course of study, either in a law school or in a competent lawyer's office, or, better still, a part of the time in each, for three years, is the least time of study and instruction that should be prescribed by the statute.

In the case of the studious lawyer, who regards his admission as merely an important incident in a life devoted in advance to a continuous and progressive study of the law, his coming to the Bar before his legal education is well rounded and finished is not so important a matter. But we all know that at all times, and especially in this age, when the tendency is to commercialize everything, there are too many young men who regard their admission to the Bar as the end of the drudgery of legal study, and who are thereafter more interested in securing cases than in preparing themselves to properly handle cases when secured. To such as these, a longer course of instruction would certainly be of great advantage, both in better qualifying them for the life-work before them, and also

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in inculcating in them a love of legal investigation and learning, which cannot always and by all persons be obtained by a superficial examination of so comprehensive a subject as the law. We therefore recommend that at the coming session of the Legislature, the desired amendment may be secured.

As far as we have been able to observe, the Act of 1898, covering the subject of Admissions to the Bar, has thus far proven satisfactory, and, if amended in the above particular, as to the time of study, we believe our practice in this State, on this subject, will then be well abreast of the best systems for admission to the Bar now in force in the leading States of the Union.

We are informed by the State Board of Law Examiners that since the establishment of the Board, under the Act of 1898, they have gradually broadened and strengthened the examinations, making them more thorough from year to year, until they now believe the character of questions submitted by them are quite as searching and difficult as those prepared for their classes by the instructors in the Universities of Harvard, Cornell and Cambridge.

Under the rules of the Court of Appeals, the Board is required to examine the applicant in fifteen different branches of the law, which insures that the applicant shall not be a superficial reader, or educated along narrow lines. At the June session of this year, seventy-four applicants were examined by the Board, of which sixty-four gave satisfactory evidence of their legal attainments, while ten were rejected. A large majority of the applicants were graduated from the law schools of Baltimore City. When we consider the difficult and comprehensive examination to which they were subjected, the fact that so large a proportion of them were able to make the requisite grade of sixty-six and two-thirds per cent., speaks well for their thorough preparation in the law schools and law offices in which they were instructed.

The Examiners state that they are surprised by the large number of applicants, relatively speaking, whose general or preliminary education is very defective. We believe the

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time has now come when there should be some enactment of a statutory qualification in this particular; either this, or the Examiners should be authorized to attach more importance to these defects than they have heretofore felt justified in doing under the present state of the law.

It has been suggested that perhaps the candidate should be required to be at least a graduate of a high school. There are, however, obvious objections to this requirement. After all, it should not be a question whether the candidate graduated from this or that school or college, or graduated from none. It is a question of how much he knows, not how many diplomas he has, or from what school. It is immaterial how or where he got his knowledge. The question is, or ought to be, can he spell the ordinary words of our language correctly? Can he write grammatically? Can he express himself intelligently? In this age of free schools and almost unlimited opportunity, any young man aspiring to the learned profession of the law ought certainly to be required to possess these qualifications in a fair degree.

In the absence of statutory enactment, or any rule of the Court of Appeals, the Law Examiners are doing what they can to warn prospective applicants to come to the examinations with a fair education in the rudiments of English, at least. The printed rules on the examination papers inform the applicant that spelling, expression, grammar, etc., will be taken into consideration in the final ratings. When the future applicant comes to understand that these requirements will count for something in the examination, and that the applicant who in a past examination spelt "women" with two i's and two m's, and other simple words in like fashion, did not receive the favorable consideration at the hands of the Examiners to which he would have been otherwise entitled, the subject of preliminary general instruction may come to be rated as of more importance in the education of a young lawyer than it is now regarded by some.

We therefore suggest that any endeavor to amend the Act of 1898, as to the time of study, as recommended by this

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Association last year, should also include and be accompanied by an effort to secure some change in the law relative to the preliminary or general education of the applicant for admission to the Bar.

When we compare, however, the educational requirements necessary now for admission to the Bar, with the old system of examination of candidates by a judge, or even with the committee system of examination in open court, which prevailed prior to 1898, we are sensible of a distinct and important advance in the matter of legal education in our State. With the final ordeal of a broad and comprehensive law examination in prospect for the law student, he is impressed in advance with the necessity of something more than a cursory reading of Blackstone, Kent, and the Code. The gentleman of the Bar with whom he is studying is also advised of the importance of doing something more for the enlightenment of his legal pupil than merely suggesting the books he should read; while the same circumstances doubtless now stimulate the faculties of our law schools to a closer scrutiny of the qualifications of those to whom they furnish diplomas.

When we remember that this improvement is mainly due to the efforts of the Maryland State Bar Association, we believe it is to be greatly congratulated, and our gratification at the result is only equaled by our surprise that the formation of such an Association was so long delayed in this state.

Mr. Armstrong: Mr. President, may I ask just in passing here, whether the man who spelt "women," w-i-m-m-e-n, was passed?

Mr. Richmond: He passed after two examinations, yes, sir.

Mr. Williams: Another thing; did the Committee object to giving two eyes to the women? I think that student knew how to deal with a very difficult

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subject, indeed, and he was perfectly correct in giving two eyes to the ladies.

The President: What is the pleasure of the Association in reference to the report of the Committee?

Mr. Wirt: I move that the report be adopted.

A Member: I second the motion.

The President then put the motion, and it was carried unanimously.

Mr. Talbott: I would like to ask, Mr. President, whether the adoption of the report of Mr. Richmond carries with it the adoption of the recommendation; that is, that the course of study be increased to three years?

Judge McSherry: That was adopted at the last meeting.

Mr. Talbott: Well, the further one, whether the preliminary common school education is necessary; is the recommendation to that extent adopted?

The President: I should think that it would follow that it was so adopted, but it has been usual in a resolution to put that matter in the form of a resolution. Do you make the motion in respect to the second recommendation?

Mr. Talbott: Well, if a motion is necessary, I make a motion now; if it is necessary to put it in the form of a resolution, I will prepare it; it is that, in addition to the course of study prescribed now by the Court of Appeals, that the candidate be examined in the ordinary branches of common school education.

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WHEREAS, It is the opinion of this Association that candidates for admission to the Bar of this state should evidence a satisfactory knowledge of the ordinary branches of study as taught in the public schools of this State; therefore be it

Resolved, That the Court of Appeals be requested to direct the State Board of Law Examiners to add to the subjects upon which candidates are now examined, such other subjects as will carry into effect the object of this resolution.

A Member: I second the motion.

The Chair then put the motion, and it was carried unanimously.

The President: Well, it would be well, Mr. Talbott, to prepare the resolution. It will be now in order to receive the report of the Secretary of the Association, Mr. Sams.

Mr. Sams then read the Secretary's report:

SECRETARY'S REPORT.

The Maryland State Bar Association was formed at the Blue Mountain House, Maryland, on August 28th, 1896, and since that date the work of the Secretary's office has afforded some opportunity to observe the manner in which the affairs of the Association are managed and some suggestions may not be out of place, which, if followed, would perhaps increase our success. Therefore they are briefly mentioned in the following order:

1. The reports of the Committees should be in the hands of the Secretary at least one month before the Annual Meeting, so that they could be printed and distributed to the members at the same time the notices of the Annual Meeting are mailed. This would enable the members to study the reports if they chose, and this knowledge would certainly give a

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better opportunity for more careful consideration of the reports of the Committees than has been the case heretofore. In looking over the five annual reports of the Association there is much valuable material which simply is unused and forgotten. As an experiment in this direction the Chairman of the Committee on Judicial Administration and Legal Reform sent his report to the Secretary in advance of the Annual Meeting and the responsibility was taken of printing a number of these reports for the use of the members at this meeting. The additional expense for printing the advance copies is not large, as the type remains standing and will be used again in printing the Annual Proceedings, of which this report will be a part, with such changes as the Association directs.

2. There should be an annual appropriation for the work of the Secretary's office. This appropriation should not be large, but sufficient to enable a clerk to be employed to do the regular work of the office, rather than the Secretary should be obliged to attend to it himself. This is the custom in almost all the Associations of any size in the country.

3. The annual dues should be five dollars, rather than three dollars, as there is no initiation fee. I do not know of any State Association whose dues are as low as three dollars. The income of the Association at five dollars a member, would be large enough to enable us, not only to do more for our members attending the Annual Meeting, but that most attractive feature of our gathering, the banquet, could be given to the members free of cost. We could do more printing and thus disseminate more widely the literature issued by the Association. To send the usual notices, including cost of printing, stationery and stamps, to each member of the Association during the year, costs in the neighborhood of fifty cents a member. This cost does not include the cost of printing and publishing the Annual Proceedings. The figures upon that can easily be obtained by reference to the Treasurer's report.

4. The time of the Annual Meeting of the Association is fixed by the Constitution upon a date which has always given

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trouble. We meet at a period of the year when a majority of the members of the Bench and Bar have made arrangements for their summer holiday, and those persons who promise to make addresses generally back out upon learning when they are expected to attend. It is earnestly urged that the date of the Annual Meeting be put at some time in June, instead of July, and it is my belief that if this were done the attendance would be much larger. The well-known biblical reasons given for not attending to affairs are nothing to the objections to the last Wednesday in July.

5. The Constitution, by Article III, requires that members of the legal profession shall have been at the Bar of this State for at least three years before they are eligible to membership in this Association. It is submitted that this requirement is a mistake. The membership of the Association is largely recruited from the younger members of the profession. It is perfectly true, though somewhat of a reflection upon the older members of the Bar, that they do not join the Association as rapidly as the younger members, and as willingly, it might be said. Either they have lost their taste for sociability or the loyalty to their profession is not strong enough to desire membership in later years, as they did in early youth.

6. The Constitution, by Article IV, requires that no member of the Bar residing in a County or City where there is a Local Bar Association, shall become a member of this Association unless he shall also be a member of said Local Assotion. This is also an element of weakness to the State Bar Association. It results frequently in preventing members joining the State Association. I know, as a matter of fact, that many members of the profession who would like to join the State Association have run against this requirement at the beginning. The State Association, it seems to me, is not called upon to weaken itself by insisting upon this requirement. It is true that it is often said such a requirement strengthens the Local Association. However true that may be it is not fair to the State Association that this should continue.

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7. The membership of the Association has continued to be remarkably constant. Our total membership this year is three hundred and seventy-two. There have been three resignations and three deaths. The resignations were those of Messrs. Reverdy Johnson, C. C. Magruder, and John I. Yellott. The deaths were those of Messrs. Skipwith Wilmer, John T. Mason, R., and Frederic Leist.

The President: Gentlemen, you have heard the report of the Secretary; what is the pleasure of the Association in regard to it?

Mr. Henderson: I move it be received, Mr. Chairman.

The President: And be spread upon the minutes?

Mr. Henderson: Yes, sir.

The motion, on being seconded, was carried unanimously.

The President: The next business in order is the report of the Treasurer, Mr. Turner.

Mr. Turner then read the Treasurer's report for the past year:

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TREASURER'S REPORT.

THE MARYLAND STATE BAR ASSOCIATION, *in account with* FRANK G. TURNER, *Treasurer.*

1900.

July 26. To amount received from Frank G. Turner, late Treasurer, ... $ 569.58

To membership dues 1899–00, $3.00 each, received from the following 8 members:

W. H. Hinks, H. W. Vickers, Charles W. Ross, John I. Yellott, Isaac Lobe Straus, Edward H. Sincell, R. R. Boarman, R. D. Hynson. 24.00

To membership dues 1900–1901, $3.00 each, received from the following 327 members:

David A. Robb, John S. Wirt, James C. Rogers, George L. Van Bibber, John P. Briscoe, Thomas H. Robinson, George W. Williams, J. B. Gray, R. R. Henderson, D. L. Sloan, J. E. Macbeth, O. F. Hershey, George M. Russum, J. C. Lane, A. A. Wilson, J. A. Fechtig, Jr., H. W. Talbott, Alex. Armstrong, Baker Johnson, Clayton Purnell, Wm. E. Walsh, D. J. Blackistone, James McSherry, A. Hunter Boyd, Lloyd Lowndes, Jr., J. Hinkley, James E. Ellegood, Jasper N. Willison, Henry Page, H. R. McCleave, J. I. McHenry, J. A. McHenry, Rufus W. Applegarth, Walter I. Dawkins, Adrian Hughes, Frederick T. Dorton, H. C. Kennard, James P. Gorter, James M. Ambler, George A. Pearre, W. C. Devecmon, H. Fillmore Lankford, Edward G. Gibson, W. V. Bouic, Jr., Wm. Penn Lewis, Hope H. Barroll, Gilmor S. Hamill, Charles F. Harley, Charles E. Fink, L. M. Haines, William S. Evans, S. C. Houlton, W. H. Adkins, M. Lehmayer, William R. Martin,

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John H. Mitchell, Geo. Whitelock, Peter J. Campbell, H. L. D. Stanford, Edwin Warfield, Francis N. Parke, Gordon Tull, Edward S. Eichelberger, Peter E. Tome, A. H. Taylor, Elmer J. Cook, L. W. Wickes, Emil Budnitz, Calvin B. Taylor, John T. Morris, Ernest Hoen, L. H. Lauchheimer, L. A. Wilmer, J. A. C. Bond, Henry Lloyd, Willard G. Rouse, T. W. Simmons, Vincent Sebold, P. L. Goldsborough, Charles H. Knapp, DeW. H. Reynolds, George Savage, John F. Williams, M. E. Skinner, R. P. Graham, John C. Rose, Joseph C. France, Jay Williams, Richard M. Venable, Chas. E. Hill, Thomas A. Whelan, John R. Pattison, Leigh Bonsal, George M. Sharp, P. Bartley Watts, Skipwith Wilmer, J. B. Bunting, S. A. Williams, R. L. Rogers, Fred. R. Owens, Joseph Packard, Samuel J. Harman, John C. Motter, John N. Steele, Henry Stockbridge, Robert F. Brent, Charles N. Howard, Robert Burton, William S. Thomas, Washington Bowie, Alex. Hardcastle, F. C. Hendrickson, Lloyd Lowndes, W. Burns Trundle, Charles E. Phelps, John T. Mitchell, Lawrason Riggs, D. K. Este Fisher, James W. Chapman, Jr., Daniel L. Brinton, James Revell, L. E. McComas, Buchanan Schley, J. M. Dorsey, W. S. Bryan, Jr., C. Hopewell Warner, E. J. Baetjer, J. H. Ralston, W. H. Perkins, Jr., William J. O'Brien, Jr., A. Morris Tyson, Chas. B. Tiernan, Abraham Sharp, George L. Thomas, Edwin J. Farber, William T. Brantly, Samuel D. Schmucker, Frank Gosnell, J. Seymour Waters, Thomas J. Morris, David Fowler, James M. Munroe, N. Rufus Gill, Arthur George Brown, M. Gregg, Daniel G. Wright, J. J. Dobler, N. C. Burke, William L. Marbury, Moses R. Walter, A. Leo Knott, Edgar H. Gans, Charles Herzog, Edward C. Eichelberger, J. T. Mason, R., John A. Lynch, E. J. D. Cross, Benjamin A. Rich-

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mond, J. H. Baker, Alfred S. Niles, Robert H. Smith, A. deR. Sappington, William B. Levy, J. H. Johnson, Richard Bernard, Allan McLane, George Y. Maynadier, M. G. Urner, Frank L. Stoner, Charles F. Holland, Conway W. Sams, Guy W. Steele, C. A. Little, A. B. Chancellor, Reverdy Johnson, George A. Blake, Fred. R. Williams, J. Augustine Mason, Taylor Morrison, David Steward, Richard K. Cross, Stewart Brown, Nicholas H. Green, Roger T. Gill, John Warfield, George M. Upshur, Alfred D. Bernard, M. L. Keedy, F. A. Thayer, Joshua W. Miles, Alonzo L. Miles, William A. Fisher, H. J. Broening, William Kealhofer, Henry D. Harlan, Harry E. Mann, E. J. W. Revell, Frank I. Duncan, Henry J. Waters, Francis P. Stevens, Ferdinand Williams, Charles T. Reifsneider, Jr., Thomas I. Elliott, John J. Hurst, Charles H. Stanley, George W. Covington, J. Fred. Requardt, R. B. Tippett, Geo. C. Thomas, Thomas S. Baer, Ralph Robinson, Roland Harvey, Beverly W. Mister, Alexander Robertson, John P. Poe, William W. Beck, Robert Crain, Frank C. Norwood, W. H. Brune, J. H. Covington, C. A. E. Spamer, George R. Gaither, Frederick Sasscer, Oscar Wolff, Chas. W. Prettyman, W. H. Bayless, James E. Carr, Robert M. McLane, Henry F. Wingert, Edward O. Weant, J. Edwin Webster, Francis K. Carey, Fielder C. Slingluff, John M. Reifsneider, Edward C. Carrington, Emmanuel W. Herman, H. W. Vickers, Robert H. Gordon, A. C. Strite, William M. Slay, T. Pliny Fisher, W. H. Claude, Norman B. Scott, Jr., John G. Wilson, James W. Thomas, James W. Bowers, Jr., Joseph C. Mullin, M. A. Mullin, Gilbert S. Hawkins, R. D. Jones, W. Irvine Cross, Glenn H. Worthington, Philip W. Chew, E. Stanley Toadvin, William H. Thomas, B. Harris Camalier, J. I. Cohen, Le Roy

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Gresham, Hammond Urner, John S. Young, T. G. Hayes, J. Frank Parran, Louis Bernei, Frank G. Turner, Howard P. Sadtler, T. Foley Hisky, J. P. Curley, J. Upshur Dennis, W. H. Dawson, P. A. Bowen, Jr., Ashley M. Gould, A. A. Doub, J. H. C. Legg, F. V. Rhodes, J. Roger McSherry, D. G. McIntosh, Charles W. Ross, Henry R. Lewis, William Grason, Hugo Steiner, George C. Merrick, Charles T. Reifsneider, Elihu S. Riley, Charles D. Wagaman, Albert G. Towers, R. W. McMichael, John D. Urie, John I. Yellott, William H. Talbott, J. Frank Turner, Osborne I. Yellott, Charles W. Heuisler, William T. Warburton, H. M. Clabaugh, Thomas B. Mackall, C. C. Magruder, Charles H. Quigley, William G. Witzenbacker, G. Grier Ratcliff, D. Meredith Reese, Edwin J. Griffin, Charles Marshall, Isaac Lobe Straus, Robert H. Bussey, Oliver D. Collins, A. A. Piper, James J. Lindsay, Michael E. Walsh, John S. Biddison, W. S. McMaster, James W. Owens, Clarence P. Lankford, Joseph B. Seth, Edward H. Sincell, R. R. Boarman, John L. G. Lee, P. C. Henninghausen, John J. Donaldson, Richard Laws Lee, David W. Sloan, O. Parker Baker, R. D. Hynson, Oscar Leser, J. C. Boyd, E. T. Jones, David N. Henning, James W. Denny. . . . . $ 981.00

$1,574.58

To membership dues for 1901–1902, $3.00 each, from the following 4 members: A. C. Strite, W. H. Dawson, John D. Urie, James A. Pearce 12.00

Total Receipts $1,586.58

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DISBURSEMENTS AS PER VOUCHERS.

By Hotel Expenses of Adrian H. Joline, Esq., while in Cumberland, ... $	6.25
By Banquet Tickets, Messrs. Joline and Wellington, Guests of the Association, ...	6.00
By Expenses of Treasurer for the year 1899–1900,	40.00
By Hanzsche & Co., Printing, ...	4.10
By James W. Hughes, Caterer, Association's Expense in connection with Banquet at Will's Mountain Inn, ...	268.00
By H. B. Dean, Hauling to Will's Mountain Inn,	7.50
By Cost of Treasurer's Bond, ...	10.00
By John S. Bridges, Printing Bills, ...	2.75
By G. R. Daisy, Orchestra, ...	22.00
By Expenses of Benjamin A. Richmond, Esq., as Delegate to American Bar Association, . .	57.00
By Expenses of Secretary from July 7th to Decem- 1st, 1900, ...	47.20
By Expenses of Hon. John P. Briscoe, as Delegate to American Bar Association, ...	50.00
$	520.80

JOHN MARSHALL DAY.

By L. H. Fisher, Music, ... $	50.00	
By Hanzsche & Co., Printing, ...	15.00	
By Hotel Rennert, Expenses of Rev. W. S. Jones, ...	4.80	
By John S. Wirt, Postage, Printing, etc., in connection with Celebration, . . .	29.16	
By Conway W. Sams, Secretary's Expenses, in connection with Celebration, . .	33.00	
		131.96

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By Joshua W. Miles, Esq., Expenses as Delegate to American Bar Association, ...	25.00
By Hanzsche & Co., Printing Annual Report, etc.,	265.30
By W. J. C. Dulany Co., Merchandise, ...	1.99
By Janitor, Alleghany County Court House, Cumberland, Services during meeting 1899–1900,	5.00
By Mrs. Virginia Bond Maupin, Stenographic Services at Cumberland, July, 1900, ...	51.75
By Hanzsche & Co., Printing, ...	20.80
By Expenses of Treasurer, Frank G. Turner, for year from July 27, 1900 to July 29, 1901, . .	51.70
By Expenses of Secretary, Conway W. Sams, from March 16, 1901 to June 1, 1901, ...	28.00
By Expenses of Transfer for Secretary's Trunk, containing Report, Papers of Association, etc., to and from Cumberland, ...	1.20
	$1,103.50

Total Receipts, ...	$1,586.58
Total Disbursements, ...	1,103.50
Balance in Treasurer's hands, July 30, 1901, ...	$ 483.08

FRANK G. TURNER,
Treasurer.

Accounts and vouchers examined and approved by the Executive Committee.

S. A. WILLIAMS,
RICHARD BERNARD,
Auditing Committee.

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The President: Gentlemen, you have heard the Treasurer's report, what is the pleasure of the Association in regard to it?

Mr. Broening: I move that it be received.

The President: And spread upon the minutes?

Mr. Broening: Yes, sir.

A Member: I second the motion.

The President then put the motion, and it was carried unanimously.

The Chair then announced the appointment of the Committee on the Nominations of Officers for the ensuing year, George L. VanBibber, Chairman.

The Chair will also announce to the members that the address this afternoon, the meeting being at three o'clock, will be by Mr. Alfred S. Niles of the Baltimore Bar, the subject being "Where the Law Fails."

Now, is there any further business before the Association for the morning session, if not, the motion is in order to adjourn until three o'clock this afternoon.

Whereupon, on motion, the Convention adjourned until three o'clock in the afternoon.

AFTERNOON SESSION.

Pursuant to adjournment, the Association resumed its session at three o'clock.

The President: The members of the Association desirous of accepting the invitation of the gentlemen

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of the Bar of Garrett County, for the excursion on Friday, will please make their intention by coming and signing this paper, that is here on the desk, during the afternoon.

The Association will now be addressed by Mr. Alfred S. Niles of the Baltimore Bar.

WHERE THE LAW FAILS.

About seven hundred and fifty years ago, Henry II, the first great English Lawyer-King, sat upon the throne.

He issued his "*Assize* of Novel Disseizin" and thus established Justice.

He granted to the suitor in his court what we—at any rate—know to be the glorious privilege of having an attorney to represent him, and thus established our profession.

During the long centuries since that epoch-making reign, our predecessors—one generation following another—have bowed before their "Jealous Mistress," the Common Law of England, and have made no secret of their admiration of her beauty.

Like loyal sons we are proud to follow in their foot steps.

It may be that, at the beginning, we render a conventional homage, born rather of tradition than of personal affection. But, before many years of practice, most of us learn to wear with ardor the guerdon of our Titular Mistress, and speak her praises with the heartiness begotten of the sincerity of true love.

There are few lawyers who do not look with a feeling akin to reverence at the temple where Anglo-Saxon Justice is enthroned.

The stones thereof bear familiar names: "Coggs" and "Bernard," "Scott" and "Shepherd," "Dumpor," "Twyne," "Semayne" and "Shelley," and as we look at these foundations

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—all ivied over with the evergreen precedents of three hundred years—and at the mighty structure built upon them, our pulses thrill with pride at the thought that we belong to the race that reared the fabric, and to the profession which is its guardian.

But admiration need not be idolatry, neither must our love blind us to imperfections in the object of our devotion.

We are not servants to a Chinese idol, changeless and wooden; but rather the ministry of a queen, whom it is our duty to protect from violation, to warn against seducers, and to lead to the adoption of such measures as well insure the happiness of herself and her subjects.

To drop all attempt at metaphor it is our duty as lawyers not only to apply the law but to make it.

I am not of those who believe that wisdom will die with us.

But neither am I of those who believe that wisdom died with our fathers.

"New occasions teach new duties." "Time makes ancient good uncouth," and each new condition needs new law.

Sometimes its need is the application of old principles in new ways, like the existing law—largely case-made—of master and servant. Sometimes its need is the total abolition of old doctrines, as in the existing law—wholly statutory—of husband and wife.

It is possible for us who venerate the Common Law to be too much afraid of Statute.

It is illogical for us to distrust and oppose all legislative enactment.

Look again at the foundations of our temple. Its cornerstone is *Magna Charta*, entitled in our "Alexander" as the *Statute* of "9 Henry III."

By the side of those old case names to which I have referred, we can see the first and second "Statutes of Westminster;" the Statute of "Quia Emptores;" the "Statute of Wills" of Henry VIII; the "Statute of Elizabeth" against fraudulent conveyances; the "Statute of Limitations" of James, and the "Bill of Rights Act" of William and Mary.

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The line between Case and Old Statute is hardly discernible. The ivy of ages covers them. They are both what we now call the Common Law.

Is it not at least possible that we can do for future generations something analogous to what our fathers did for us when they passed these old Acts of Legislation, or when they secured personal liberty under the Common Law to English speaking peoples, by enacting the glorious "Statute of 31st Car. II," giving to every person detained against his will—whether by private individual or by the sovereign power—the Writ of Habeas Corpus?

Probably no one here would be rash enough to say that our present law fails nowhere. But this admission carries with it the corollary, that it is our duty to amend it where it fails.

The amendment may be either case-made or statutory and in which ever way made, to be permanent and effective, it must be demanded and sustained by public opinion.

I must confess that I see no urgent necessity of pressing upon lawyers their duty as to case-made law. Case-made law implies cases. Cases signify retainers; and Maryland lawyers, during so long a time that the memory of man runneth not to the contrary, have never flinched from accepting retainers offered to secure their services in urging the courts to extend and amplify in particular law suits the application of some just and wholesome principle.

Indeed it is suspected that the attitude of many of us toward the acceptance of such retainers is one of greater willingness than opportunity.

But as to statutory amendments to our law there is, it seems to me, some reason to urge upon our consciences an awakening to our duty.

Some of us have had the laudable ambition to be members of the Legislature and have "stood in" sufficiently with the powers that be to get there. Have we been content with a too modest or a too negative achievement?

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The story is told of an eminent jurist who once went to a State Legislature, where his commanding position and ripe learning gave him almost irresistible power to pass whatever measure he might advocate.

But he was content with the conservative position of standing firm against all unwise legislation, and the most positive mark which he left upon the statute book was an Act in regard to legal holidays, which provided with all necessary caution against the case of "Good Friday" falling upon Sunday.

The thanks of his State were due him for what he prevented. But were not even greater things possible to a man of ten talents?

We need not, however, actually go to the Legislature to change the law.

Should the lawyers outside of the Legislature be united and in earnest, they can secure the passage by any Legislature of whatever measure they demand.

Our Baltimore City Bar Association has a permanent Committee upon the "Amendment of the Law." It is usually a representative Committee, and ordinarily any Act recommended by it and approved by the Association will be passed by our Legislature.

It is true that the attitude of this Committee has sometimes bordered upon conservatism.

It is true that possibly the most radical and far-reaching change in existing law secured by them during the Session of 1900, was a provision that hereafter the answer of a corporation to a bill filed against it in Equity, need not be authenticated by its seal.

But this only shows how slow our profession is to adopt ideas of perhaps too enthusiastic reformers, and possibly this very conservatism of ours suggests how effective would be the general endorsement of the Bar—could it be obtained—to any really needed legislation.

Perhaps enough has now been said to show our duty and our power.

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The next and main question is "Does our existing law in any respect so notoriously and conspicuously fail as to make it our duty to exert our power?

I am radical enough to give as my personal answer to this interrogatory a vehement "Yes."

Theoretically, the principles of municipal law are as impartial as the laws of nature. As Judge Buchanan of our own State said (5 H. and J. 357, State *vs.* Buchanan) "The Common Law is a series of principles * * * always existing and attaching to whatever particular matter or circumstance may arise." These principles apply alike to matters great and small and will do substantial justice as well to prince as to pauper, to a nation as to an individual.

Practically, however, it is right here that the application of our municipal law differs from the working of nature's laws.

Gravitation, for example, in fact treats a feather and a solar system with equal impartiality and success.

But long ago it was acknowledged that it was impractical for courts to deal with matters of very small importance, and "*De minimis non curat Lex*" became a settled maxim of our jurisprudence.

I wish to present to you the theorem—which to my mind is a true one—that the law fails in its application at the other extreme, where the consequences of its failure are most grave and momentous; that there is in fact a maxim dominating our law, not recognized by us and which we would all be glad never to be obliged to recognize, but which nevertheless at times forces itself upon us—the maxim "*De maximis non curat Lex.*"

It does not make a controlling difference whether the magnitude of the question consists in the number of people affected, the great power of the parties, or the heart-stirring character of the question itself.

As we get toward the *maxima* in either case the solution offered by our law becomes more and more unsatisfactory, and more and more justifies the statement that the law fails

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whenever, in the language of the street, "it tackles a question of its size."

When two obscure individuals quarrel about a promissory note, or the sale of land, or a personal assault, the law may be invoked by either party and, when invoked, will give a settlement generally satisfactory to the community, even if not so to both of the litigants.

But if it be a question of the protection of man's life or woman's honor—which would seem to be the first duty of the law—the frequent sessions of Judge Lynch's Court, both North and South, show how, in the opinion of the community, our law fails here.

It is recognized on all sides that drunkenness is an evil of our time of the very greatest magnitude.

The law has tried to control it by Regulation, and by Prohibition, with the result that "Regulation" produces the Tammany saloon-keeper in New York; while "Prohibition" offers for consideration Mrs. Nation and "Bleeding Kansas."

Many of us are convinced that what is known as "The Trust Evil," is a fearful spectre overshadowing our land. As a result, in many States, laws have been passed to require the "Trusts" to do, or refrain from doing certain things.

But, so far, when the Law and the Trust have actually met in conflict, there has emerged from the encounter the Trust alone—as smiling as before, and a trifle fatter.

If one person breaks the criminal law, the result is, ordinarily, imprisonment; but if a mob of "whitecaps" or "strikers" or "corporation employees" commit the crime, the law simply throws up its hands in both abhorrence and surrender.

Given the simple fact that a corporation is a party to a civil suit, still if it is a big corporation, only the immature expect that it will receive even-handed justice in court.

If a jury gets the chance to give the verdict of its choice the corporation will usually fare worse than strict justice would require, while in many cases it would almost seem as if the court felt compelled to give to it greater favor than would be

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given an ordinary person, in order to protect it from the excesses and unlawful depredations of a jury.

There is no need to multiply illustrations.

Any grown man who is *compos mentis* can add to the list until it would seem as if all our law were a failure, and some Athenian system of drawing lots would be more effective in deciding questions of right as between man and powerful interests, than is the application of that system which has been to us the object of our heart's homage, and to many thinkers the palladium of our liberty.

Personally, I do not draw that pessimistic deduction.

There seems to me nothing that so prevents despair over present conditions as the teachings of past history.

Climb some high tower whence there is spread out in wide panorama the stream of the development of civilization. You will see a Niagara torrent with eddy upon eddy swirling against the main current, bearing backward and pulling downward whatever floats upon its surface. But the stream sweeps on, and finally emerges unvexed into the broad and placid lake.

Mark the current of our own law!

Even the Anglo-Saxon did not readily submit to judicial authority.

Broadly speaking our law never so nearly enveloped in its power both *maxima* and *minima* as it does to-day.

Turn your glance backward a few centuries to England, in the ages when our law was adolescent. There you will find "The Law" only applied as between vassals of the same baron in the baron's own court. When baron quarrelled with baron there was fighting and private war.

For conservative Northern blood to change this condition into one where—single man against single man—all are even measurably equal before our law, is an achievement which is worthy of centuries.

What did the Statutes against Maintenance, passed as late as 32, Henry VIII, mean?

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They forbade the buying up of suits by the rich and powerful, and would have had no reason for existence as statutes except under conditions where it was confessed that a poor man could not have a fair hearing in court against his more wealthy and influential neighbor.

True though it be, that the destruction of the poor is still their poverty, even in a law suit, we have yet taken a long step in advance in our judicial practice since the time when Statutes of Maintenance were necessary.

When, therefore, we consider what vast provinces our sovereign mistress—The Law—has already brought under her sway, the contemplation of those regions where her writs fail to run, has in it no suggestion of surrender or despair, but only a bugle call to inspire our profession to "go up against the land that remains and possess it."

The object of this paper is not to inflict upon you a Jeremiad but rather to point to an important position—like Little Round Top on the battlefield of Gettysburg—a position which ought to be ours, but is not; a position which it is incumbent upon us to wrest, if we can, from the hands of the enemy.

Leaving for other occasions and to more competent hands all other points where the law fails, let me ask you to consider with me what I have ventured to call "The Little Round Top of the Battlefield," namely Disputes between employer and employed in the case of *Quasi-Public* Corporations, and more particularly the matter of Strikes and Lockouts.

Of course I know that there are many people who argue that there ought to be no such thing as *Quasi Public* Corporations.

"If a corporation"—say they—"exercise functions which are sufficiently '*public*' to justify it in invoking the power of 'Eminent Domain,' and condemning property against the will of the owner, it is a *Public* Corporation without the *Quasi*, and, if the people retain only a limited control over such a corporation, the people have to this extent abandoned the theory of self-government."

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Men of this type of thought ask why should not all such services as furnishing of transportation and the supplying to the inhabitants of a city, water, light, educational facilities and street car service, be frankly recognized as public, and provided for by governmental agencies? Why should telegrams be on a different footing from letters? Why should water be furnished by the city, and gas and electricity by a private company? Why is the government able to give us public schools, but unable to run street car lines?

I confess that their argument seems to me strong, and their questions pertinent and suggestive.

However, these are disputed points, and the probabilities are very decided that, in our State, there will be no immediate extension of public ownership.

For some years, at least, we will continue to have with us *Quasi* Public Corporations—that is, private corporations discharging public functions.

We will have with us their accompanying benefits and evils, and the correction of any of the more important of these attendant evils, even if only for the years which it may require to educate the people to demand Governmental Ownership, is a task worthy of a statesman of the very first order.

We have, within a few months, seen, in St. Louis, a whole city given over to lawlessness and savagery. Every one who depended upon street cars for quick transportation was obliged, for weeks, either to pay exorbitant rates for inferior and slower means of getting to and from the city, or to run the risk of life, limb and honor, by venturing into the cars.

About the same time in our City of Baltimore, the streets were for weeks lighted insufficiently or not at all at night, and by day were filled, here and there, by angry crowds, who sometimes brought about rioting and bloodshed. Almost yesterday, in Albany, street car service was stopped, violence and disorder reigned, troops were ordered out and peaceful and respectable citizens were shot to death because they were rash enough to stand in front of their own houses.

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The loss in each instance to employees and employer was enormous. The inconvenience and suffering of the public was hard to estimate or to over estimate. In each case, the blind feeling of the mass of the people was that the private corporation was favored by our existing laws and present courts, and that actions, otherwise inexcusable, were permissible as the only means whereby the employees of the corporation could have an equal chance to maintain their rights.

In each case it was suspected that this feeling had an effect upon men in authority by reason of its possible influence upon their political future; that it unnerved them and prevented them from acting as otherwise they would have felt in duty bound to act. The result was, that in each case, the police force was found insufficient to preserve order. In St. Louis extraordinary and unheard of assistance was attempted by the sheriff through the *posse comitatus.* In Baltimore, what is sometimes called "government by injunction" by the United States Court, was resorted to; a number of Baltimoreans who had secured a Delaware Charter—such as is sometimes obtained to circumvent our revenue laws—using that very device as the reason for calling to their assistance the Federal deputies. In Albany recourse was had to the rifles of the State militia.

Every man deplores the events to which I have alluded. But most deplorable of all is the fact that while the St. Louis "sheriff's posse" and the Baltimore "Injunction" and the Albany "Martial Law" are expedients condemned by every one as remedies almost if not quite as bad as the disease, a feeling of hopelessness as to anything better has settled upon us.

Here and there a voice is raised in favor of Courts of Arbitration but such voices have a lonely sound, as of one crying in the wilderness, and the efficacy of their schemes is not generally trusted.

It seems to be taken for granted that the law must remain helplessly inadequate to prevent similar inconveniences, loss

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and disturbances whenever one of these private corporations performing public duties gets into a quarrel with its employees.

"Little Round Top" is in the hands of the enemy.

Now let me ask you to seriously consider the question: Do we need so to despond? Is not the discovery of a remedy within the limits of possibility? Is not the application of such a remedy within the power of our courts? Must it always be true that public service shall be stopped while a private corporation and its employees are engaged in a private quarrel when the subject of that quarrel is wages?

Suppose in Baltimore City the water works were in the control of a private company, as the water works are to-day in the suburb of Catonsville, or in the neighboring City of York, Penna. Suppose in such a case the employees or some of them should strike for more pay. Would the citizens have to go without water until the difficulty should be settled? It is a question of prime importance, for what is true about water is true in kind, although not to the same degree, as to gas, as to electric lights in our streets, and as to street car transportation.

That there are two sides to the matter is very evident.

The argument between the supporters of the companies and the supporters of their men is at such crises continuous, even heated, and the contention of each seems in large degree well-founded and valid.

The advocates of the cause of the strikers touch a more or less responsive chord in every generous mind when they contend that the men are only striking for market rates for their work, or, at all events, for mere living wages; that the company is trying to make them work for less than this, because the men must work or starve, while the company can stop activity and live on its surplus or on borrowed money until it can abnormally depress the price of labor.

On the other hand, the supporters of the corporations are unquestionably right when they maintain that public safety, and civilization itself, is menaced until, in such cases, disorder is stopped and made impossible, and until protection is

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granted to those who may dare to differ with the "walking delegate" as to their ideas of personal conduct or political economy.

Until the so-called "scab" can just as freely and safely work for a living, at wages that suit him, as the striker could before he quit work, this is not a free country.

So long as there may occur in this country, scenes like those in St. Louis, where lady teachers had their clothes torn from their backs for daring to ride in street cars operated under the nominal protection of the law—so long will Aguinaldo or a Matabele Chief, or any other tolerably decent heathen, have justification should he send an army over here to enforce civilization *upon us* even at the point of the bayonet.

Furthemore, just as long as there is a well-founded suspicion that, if the "scab" were protected, the company could satisfactorily perform its service at the wages it is willing to pay, just so long will the company—as is now ordinarily the case—win its fight. Without changing all our institutions no one can be compelled to pay for his labor more than market rates. Neither will any one maintain seriously that a corporation ought to be forced to pay more.

There is surely much to be said upon each of these two sides, and confining ourselves to these two view points it is hard to see what may be done legitimately and helpfully.

But there is another side from which the problem may be approached and an advance along which may well be expected to cause this "Little Round Top" of lawlessness to surrender to the law.

This advance would be made on behalf neither of the corporations nor of the strikers but of the general public.

Its guiding thought would be "*a corporation which undertakes to perform public functions must perform them.*" Such a corporation has no more business to fail to perform the service it has undertaken, because of a disagreement with its men about wages, than it would have to discontinue its service until it could beat down the prices of material men, when repairs are needed.

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A street car company needs motive power and motor-men. Suppose it has neither. There are people who are willing to supply machinery for the power at a certain price. There are people who are willing to act as motor-men at a certain price. If the company thinks that the price charged for the motors is too much, it will, nevertheless, pay it in order to get the machinery. If it thinks the price charged for the motor-men is too high, it may stop its service and make its patrons walk until it succeeds in beating down the wages. Why this difference?

Is it not plain that the difference ought not to exist? That the public ought to say to the corporation "You can never raise the question of a disagreement with your men as to wages, as an excuse for not giving us sufficient service. It is your duty to give us such service, utterly irrespective of the price of labor, and if you do not give it to us it will be our duty to forfeit your charter. If you cannot get the men at your price, you must pay them their price, but *the cars must be run.*"

There is only one answer that the company could make to such a demand and that is "We are ready to perform our service, as soon as you afford protection to our men." This is a good answer. If, upon the one hand, the company were bound by law to the full performance of its obligations I, for one, would favor on the other hand any laws, no matter how stringent, which would secure the absolute protection of any one who would agree to work for it, at whatever wages were satisfactory to him and the company.

If necessary, forbid people to stand in the streets so that a group could never swell into a crowd, or a crowd into a mob. Enact whatever legislation the brainiest of the most soulless corporation-counsel might suggest to insure protection to the "scab," *provided* you join with it legislation that obliges the corporation to get enough workers to be able at all times to do its work properly.

This attitude of the law would, I think, be supported by public sentiment; the community would feel that both corpo-

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ration and employee were fairly treated and would see to it that the company had protection for its men if it were compelled to have the men.

It is not within the limits of practical statesmanship to legislate upon the foregoing general principles?

The question as to what legislation is needed by the corporation to insure protection to their "scab" employee may, I think, with perfect safety be left to their own law department.

The question which *we* may well consider is "what legislation is needed by the community, to protect it from failure on the part of those corporations, which have undertaken public services, to perform their duties?"

It is on this line that I venture with much diffidence to make my suggestion, *viz*:—pass a statute containing substantially the following provisions:

First. Defining what corporations shall be deemed *Quasi Public.*

Second. Providing that, if any such corporation should fail to give sufficient service to the public for a space of, say, three days, after a decree by the court adjudging that the corporation is not giving sufficient service, the charter of such corporation should be then forfeited, and a receiver appointed to take charge of the corporate assets and give the required service until the assets could be sold.

Third. Providing that any decree under the Act must specify in detail what service shall be deemed sufficient.

Fourth. Providing that any citizen can file a petition, alleging that he is dependent upon a named *quasi public* corporation for services, and that the services are not given, and asking for a decree under the Act; that upon filing of the petition the court shall peremptorily fix some short day, not more than, say, three days subsequent, for a hearing and decision, and that the case should have precedence like cases brought under prerogative writs.

Fifth. Providing that, at such hearing, if the plaintiff shall prove that he is dependent upon the corporation for a public service, and that such service is given insufficiently or not at

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all, there shall be one defense admissible on the part of the corporation, *viz:* that its inability to give such service arises by reason of the fact that workmen, otherwise willing to work for it at wages which it is ready to give, are prevented from so working by intimidation.

Such intimidation to be a good defense, and to be *the only good defense*, when the failure to give the service is either proven or admitted.

It is, of course, impossible to say how any statute not yet passed would work in actual practice, but I think that it might fairly be expected that if this proposed law were enacted, then, should a street car strike be declared on Monday and the cars "tied up" on that day, a petition under the Act would be filed on the next day, Tuesday, which would be set for a hearing on Friday, and being simply a narrow question of fact, would be decided at once on the conclusion of the evidence, say by the following Monday.

If the court found that there was no intimidation, the company would have to get men to operate its lines, from somewhere and at some price, before the following Thursday, for no corporation, unless managed by lunatics, would allow its charter to be forfeited for such a cause.

If the court found that there was intimidation, citizens generally could reflect that a community, which could not govern itself, did not deserve to have the comforts of civilization, and the whole people would go to work to restore order.

Under such a law we might hope that intimidation would soon die out, and without intimidation, as we have just seen, no strike could last two weeks, while the very fact that there was this quick procedure against the corporations, and no chance for intimidation as against substituted men or "scabs," would make both parties avoid an issue as long as possible and, if made, settle it as quickly as they could.

This is not a new suggestion.

Judge Gaynor of Brooklyn, in the case "*Matter of Loader*, 14 *Misc. R.* 209, tried in 1895, not only maintains that it is a defiance of law for a street car company to stop its cars, even

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"for one hour," in order that it may "beat down the price of labor," but goes further, and decides that any private citizen may, under the present law, by use of the Writ of Mandamus, compel such a company to give him sufficient service.

His language is vigorous and virile, and I wish that the time would allow me to quote the whole opinion, both for the matter contained in it and the manner in which it is put.

Judge Gaynor cites a case from the Supreme Court of the United States, and two cases from the Courts of New York, which in theory go far to sustain his position.

But such law can, as yet, hardly be called established or acquiesced in; and I fancy there are few judges who would not apply this law more confidently and effectively, if there were some new statutory authority prescribing the course of procedure, even although they might agree with Judge Gaynor in regarding such a statute as merely declaratory of half-forgotten principles of the common law.

The suggestion seems to me to be still new enough to be advanced tentatively and with many misgivings.

It is advanced here that it may be discussed, picked to pieces, and its fallacies, dangers and inadequacies shown; but in the hope that some shred may, after all, remain which is worth further consideration, or that it may suggest something entirely different which may better effectuate the same object.

It may very well be that the penalty of "forfeiture of its charter," for a corporation which refuses to carry out the court's decree is too severe to be either just or enforcible, and that a fine for each day's non-compliance, proportionate to the capital of the corporation and sufficiently heavy to be keenly felt, would be better and more effective.

But I do not contend that the proposals now placed before you contain the only remedy for the evil, or that there is any detail which I have suggested that cannot be greatly improved upon. All that I do claim is that the general lines of legislation proposed, look to me feasible, and that a consideration of any proposed remedy is—at least—better than hopeless acqui-

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escence in a state of things which we know to contain, within it, the seeds of anarchy.

Our predecessors have circumscribed and narrowed the area of the regions Where The Law Fails. Why cannot we, in our day and generation, do the like?

The President: Is there any further business before the Association.

Mr. Sams: Mr. President, I have an amendment which I wish to offer to the Constitution; that Article XIX of the Constitution be amended, so as to read as follows:

Resolved, That the Annual Meeting shall take place between the 15th and 30th of June in each year, the day and place to be decided by the Executive Council before the 1st day of May preceding.

I only put these two dates in, the 15th and 30th, as a suggestion, to give ample time to consider the situation as it may arise.

The President: I will ask if these are the recommendations of the Executive Council?

Mr. Sams: No, that is my own resolution.

The President: Isn't there a difference in the vote required?

Mr. Sams: No, a two-thirds vote in each case.

The President: Now, gentlemen, you have heard the resolution. Are there any remarks to be made upon it?

Mr. Richmond: I heartily concur in the idea of changing the date of holding our meeting; hitherto

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we have somehow or another settled down to the idea that our meetings must be held about the 1st of August; we universally strike extremely hot times, the weather is bad and people are off on their vacations, or wish to be, and it is supposed that these facts are partly accountable for the failing attendance at our meetings; but it does seem to me that we will not have improved the matter at all to fix it in June, because the lawyers and the judges are not through with their work by the 15th; the Court of Appeals of the State rarely finishes up its April term work until the 15th or 20th of June; the courts of Baltimore City are in full blast in the month of June, and the Garrett County court at least, and several of the county courts are hard at work in June, and it does seem to me that we are not improving the matter at all, although we escape the matter of running counter to the vacations or proposed vacations of judges and lawyers, by taking June rather than the latter part of July; yet we are running against something worse than the trouble of vacations, and it does seem to me that from the 15th or to the 30th of September would be a better time for the holding of our Annual Meeting. The vacations will be over and the courts have not yet commenced; certainly the Court of Appeals has not, and most of the county courts as well, and from the 15th of September to the 30th of September we have a reasonable prospect of fair weather, fairly good weather, and it does seem to me, that if the gentleman from Baltimore City will permit me to suggest, that he will change his motion or allow it to be amended, and

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say that our meeting must be held between the 15th and the 30th of September or from the 15th of September to the 15th of October, it will be better.

Mr. Sams: Mr. President, the dates mentioned by Mr. Richmond in September are decidedly more objectionable than those that I have named. The courts of Baltimore City then are beginning to perform their usual work; the members of the Bar and Bench are coming back from their vacations to pick up their usual routine. Now, the 15th to the 30th of June is put in the amendment as suggestive merely, and I believe that if we meet sometime between the 15th of June and the 1st of July, or even the 15th of July, we will do very much better in point of attendance and success than we would if we meet at the present time. We know from the experience of those who have charge of the affairs of the Association, that the hotels are crowded at this time, and there are a great many other objections, and if you would leave it to the Executive Committee to fix it, mightn't it be better? In that connection there has been some suggestion made that the Pennsylvania Bar Association hold a joint meeting with us next year; whether we will accept it or not I do not know, but we are now tied to one day, and I will be perfectly willing to accept the 15th of June to 15th of July, to give us ample latitude to have our meetings between these dates, but I do not think we could have it successfully in September—that is the feeling expressed by the members of the Bar and the Association.

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Mr. Wirt: I think the amendment will be acceptable if you extend it to the 15th of July; I think we will have to have our meetings earlier. Now, in reference to the meetings is September. It is general throughout the State—I know there are a great many counties that have only two jury terms, some have three and a great many of them have terms in September; I know in our county we have one of our most important, the third Monday in September—and it seems to me in order to get a good gathering we would have to have the meeting earlier and not later, and I think if that amendment is made by my my friend, Mr. Sams, giving the latitude from the 15th of June to the 15th of July, it seems to me that is the best result we could get out of it.

The President: Do you offer to amend the resolution?

Mr. Wirt: No, I simply ask to amend it if Mr. Sams will accept it.

Mr. Sams: I will accept the 15th of July. After considerable investigation about the September end of it, my opinion is that we would not have a meeting as large as we have now if we went to September or October.

The President: Will you accept the amendment?

Mr. Sams: I accept the amendment extending the time to the 15th of July, making it between the 15th day of June and the 15th day of July.

The President: Read it now, please.

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Mr. Sams: (Reading.) The section will then read:

The Annnal Meeting shall take place between the 15th day of June and the 15th day of July in each year, the day and place to be decided by the Executive Council before the 1st day of May preceding.

The President: Are there any further remarks upon the resolution as amended?

Mr. Whitelock: I would like to say this, Mr. Chairman; it seems to me that inasmuch as it is now moved over to the 15th of July that it would be desirable not to make the other date as early as the 1st of May. The resolution says that the amendment proposes the date shall be fixed prior to the 1st of May. Now, one very important consideration for the Executive Council will be the time of the conference of the Court of Appeals, which generally comes along about the 15th to the 20th of June, and the Court itself does not adjourn the hearing of cases, ordinarily, until about the 10th of May. It seems to me that it is hardly necessary to make the date of the determination of the time of the meeting as early as the 1st of May. I think that is a mistake, and the Executive Council may be embarrassed about that.

The President: Isn't it often later than the 10th of May that the Court of Appeals quits hearing arguments?

Mr. Whitelock: Yes, sir, and having noticed the 1st of May as this date, it having come under my observation, I would therefore suggest that it be made the 15th of May.

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Mr. Sams: The date and place to be decided by the Executive Council?

Mr. Whitelock: Well, strike out the last part of it.

Mr. Sams: That will be satisfactory to me, and they will have to do the best they can.

Mr. Mitchell: I think it is very necessary that the members of the Bar Association should know some little time beforehand the date of the meeting, so that they can make their personal arrangements ahead. This whole question was discussed once before and it was fixed upon a certain date in which it was thought it was understood that the members of the Association could make their arrangements to attend the meetings upon that day, Now, if you will leave it to the Executive Council to determine it, at any time they feel inclined, within, say, a week of the meeting of the Association, when they shall meet, it will take away the possibility of a member making his arrangements in time. I think, therefore, that it ought to be some time fixed beforehand, at which the date of the meeting is announced, the 15th day of May, say.

Mr. Whitelock: I offer to amend that then by saying the 15th of May.

Mr. Sams: I accept that. (Reading.)

The Annual Meeting shall take place between the 15th day of June and the 15th day of July in each year, the day and place to be decided by the Executive Council before the 15th day of May preceding.

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The President: Are there any further remarks? This being an amendment of the Constitution will require a two-thirds vote of those present. All the members voting in the affirmative please rise. (All the members arose.) The Constitution now stands amended to that effect.

Mr. Sams: I have a matter here that the Secretary feels it to be his duty, under the circumstances, to offer. Any communications that are sent to me to be read to the Association I always offer them; I am not going to offer this to be debated, but to be referred to some suitable committee. I have a letter from a gentleman in Washington and his object is to get this resolution passed. I need not read his letter nor this publication connected with it. The resolution is as follows; it has been adopted by numerous Bar Associations, and it reads in this way:

Resolved, That we are in favor of the establishment of a Psycho-Physical Laboratory in the Department of the Interior at Washington, for the practical application of physiological psychology to sociological, jurisprudential and abnormal or pathological data, especially as found in institutions for the criminal, pauper and defective classes and in hospitals, and also as may be observed in schools and other institutions.

Judge McSherry: I move it be laid on the table.

Mr. Whitelock: Indefinitely.

The President: I was going to refer it to the Committee on Grievances.

Mr. Sams: I have one other matter, sir. The Executive Council, at its last meeting, recommended that the resolution passed in 1899, as follows:

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That the necessary expenses of the delegates to the American Bar Association be paid out of the Treasury of the Association.

Now the Executive Council recommends that the resolution be repealed.

The President: That is not a part of the Constitution?

Mr. Sams: No, it can be done by a majority vote.

The President: You have heard the resolution, gentlemen, of Mr. Sams, that that provision be repealed.

Mr. Talbott; Didn't that apply to the delegates then appointed?

Mr. Sams: No, it was universal.

Mr. Talbott: A continuing resolution?

The President: Yes, sir. Gentlemen, you have heard the resolution and the motion.

The motion was then put, and carried unanimously.

The President: Is there any further business before the Association during the afternoon?

Mr. Bernard: I would like to call the attention of the members of the Association to the fact that the management of the hotel desires that the gentlemen make their arrangement in reference to the banquet, the tickets for which they can secure at the office, in order that the management of the hotel will know how to provide; they are anxious to make it a howling success, and you will confer a favor upon the management if you will get your tickets as early as possible.

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The President: If there is no further business before the Association, we will adjourn.

Mr. Talbott: The motion that I made this morning; I did not understand whether the Chair desired whether it should be put in the nature of a resolution.

The President: The request of the gentleman was that he write out the resolution, as I understood it.

Mr. Talbott: Yes, sir, and I wrote it out as follows:

WHEREAS, It is the opinion of this Association that candidates for admission to the Bar of this State should evidence a satisfactory knowledge of the ordinary branches of study as taught in the public schools of this State; therefore be it

Resolved, That the Court of Appeals be requested to direct the State Board of Law Examiners to add to the subjects upon which candidates are examined, such other subjects as will carry into effect the object of this resolution.

The President: I think that is a little different from the resolution offered this morning.

Mr. Talbott: It was the sense of it; I simply thought that candidates for admission to the Bar should have some practical knowledge of other branches of the law and I think they should be examined upon the ordinary rudiments of common school education.

The President: If there is no objection upon the part of any member of the Association, that will be considered as the resolution adopted this morning.

Mr. Niles: I hate to trouble the Association any further but I do know about the Pennsylvania practice; it secures the same object that is aimed at by that resolution, of requiring a preliminary examina-

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tion of students before they are enrolled as students, they are then examined as to the rudiments; it would seem to me, and I speak from the same standpoint as my brother Talbott, it is in favor of the same general idea and it would seem to me that that would really be a better way than waiting until the students have studied the law and then come up for their final examination, before examining them in arithmetic and grammar; it would seem to me that it would be wise to amend the resolution that was offered by suggesting, that if possible, there be steps taken to secure the preliminary examination of all students of the law, I think perhaps in some general way, as that; I think that is as far as you could go with the matter at this session, and I would suggest that to the offerer of the resolution.

Mr. Talbott: The difficulty of that is that under our law the examinations are held in Baltimore; those candidates who would be more seriously affected by that necessary qualification would probably have difficulty in going through a preliminary examination; unquestionably any man who applied for admission to the Bar should be able to pass an examination based on that theory without any preparation at all; I do not think we ought to put candidates to the unnecessary expense of going through a preliminary examination when they should be able to pass such an examination without any preparation whatever in advance.

Mr. Niles: I won't press it then.

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The President: The Chair would ask Mr. Richmond if the preliminary examination, as suggested by Mr. Niles, would not require additional legislation.

Mr. Richmond: That is the difficulty. The suggestion of the gentleman who has spoken is most excellent; I fully agree with him that the preliminary examination in regard to the preliminary education ought to precede the applicant's undertaking to study the law, before he enrolls himself or matriculates at a law school or enrolls himself in a lawyer's office he should be required to have the preliminary general education; but as our statute now stands that it is not prescribed as a condition precedent to his beginning to study law, and I do not see, without having the statute before me, but as I recollect it, I do not see how the Court of Appeals can make a rule on the subject that would govern the case; I think we would have to go to the Legislature.

Mr. Simmons: Mr. Chairman, it seems to me that that is a question that ought to be handled with considerable delicacy, and I think it is a matter that may be safely left in the hands of a Committee that makes the examination of the candidates itself. I think there would be danger in prescribing by the resolution the studies which the Committee are to examine the candidates upon, and I think that there would be some difficulty, at least there would be some objection it might be urged, against the examination of the candidate, the preliminary examination of the candidate prior to his application. I think the

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broadest latitude ought to be allowed, and the largest amount of encouragment ought to be given to him. I do not think that the standard at all should be lowered, if anything it should be raised, but I do not think that any impediment should be thrown in the way of any man who should be anxious to enter our ranks. Now, if by a preliminary examination you mean to make an exhaustive examination into the educational qualifications of the candidate, it would unquestionably preclude many a man from making an application, who being ambitious and willing to work and fit himself, during the period of two or three years, might fit himself and by the time he came before the Committee for final examination, might fit himself in the English branches to such an extent as would make him, in the opinion of the Committee, an eligible candidate. And I do think that while it is desirable that the standard should be maintained, if anything it should be raised, yet I think this question may be safely entrusted to the Committee that has the final examination of the candidate in charge, and it may by such an examination as it may think best to subject him, and also upon his educational qualifications.

Mr. Riley: I wish to say, that at the threshold, according to my brother, it is a serious thing to undertake to require a preliminary education for a student of the law. What we are interested in is his ability as a lawyer in the profession of the law, and I am sure that that test that is applied—as Admiral Monet of the Brazilian Navy said of the Naval

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Academy, the greatest naval school—may be applied here, when a candidate comes before the academic board for an examination. It is the duty of the examiner in examining him to find out whether he understands the King's English, whether he spells correctly, whether he shows a knowledge of the subject, and I am sure the law examiner in examining the candidate ambitious to enter the profession of the law, has sufficient knowledge of the preliminary principles of education that will fit him to stand the practice of the law. And I am willing, for myself, to leave it in the hands of those honorable gentlemen who have preceded me in the examination of the law, members appointed by the Court of Appeals, whose ability and character are sufficient guarantee of what will be done in the future, and these men will know after examining the papers whether this candidate is capable of practicing understandingly and doing justice to his clients.

Mr. Wirt: I thoroughly agree that it would be desirable to have this preliminary education if we could get it, but there is a pratical difficulty about it. I don't think you could have it without additional legislation. Now, we have already decided to ask the Legislature to extend the course from two years to three, and as you will remember, those of you who were in the Legislature of 1898, that it was very difficult to get this law through. It was defeated at one time, and after considerable effort we got it through. There was an argument made against it that it was intended for the benefit of the sons of gentlemen and

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rich men. Now, there is not the same sentiment among the community in general as to the elevation of the standard of the profession that there is in the profession, and, unfortunately, the Legislature is not composed altogether of members of this profession, and I think we would have very serious difficulty in getting the Legislature to go further. As a matter of fact the present Board of Examiners does attach some importance to the general fitness of the candidate as shown by his capacity to express himself, and his knowledge of grammar, and I do not think we had better go much farther. To illustrate the point: A man may pass a poor examination, but occasionally there are some men who are illiterate that have strong natural ability and present very good papers. Now, when papers of that kind are presented to us, which show a man has practical knowledge of the law and capacity to apply it, I am not altogether clear that the profession may not be made to suffer from giving out that class of men, who have strong natural ability, and I think, myself, it is undesirable to ask for additional legislation, however much the Association thinks. You will find there will be considerable opposition to it.

The President: Mr. Talbott will you read your resolution again?

Mr. Talbott: I think Mr. Sams has it.

The President: Mr. Sams will you read it?

Mr. Talbott: (Reading.)

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WHEREAS, It is the opinion of this Association that candidates for admission to the Bar of this State should evidence a satisfactory knowledge of the ordinary branches of study as taught in the public schools of this State; therefore be it

Resolved, That the Court of Appeals be requested to direct the State Board of Law Examiners to add to the subjects upon which candidates are now examined, such other subjects as will carry into effect the object of this resolution.

I want to state, Mr. President, that this specifically limits that to the subjects ordinarily taught in the public schools. I have no desire to eliminate any candidate who has studied in the ordinary common school studies. I had occasion though, some time ago, to run across a young man already admitted to the Bar, who had been admitted to the Bar in Pennsylvania, and he insisted to me that candidates for the United States Senate had to be elected by the people. He was a little in advance of the time, but he did not know it; he thought he was right; here was a young man showing absolute ignorance on the subject which the ordinary young man ought to have been reasonably familiar with. My idea is, or my recollection of the law is, that the Court of Appeals was directed to prepare rules to carry the law into effect and prescribe the course of study or examination. The Court of Appeals has not so far prescribed any examination upon the common English branches and my idea in the resolution was simply a suggestion that this Association, or that the Court, prescribe some rules or suggestions to the Board of Law Examiners an idea to make the examination upon the ordinary reading, spelling and arithmetic, and possibly some little history; something to

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show that the candidate has something else other than a knowledge of the law.

Mr. Armstrong: I would like to put this question. I understood in the course of the reading of the report by Mr. Richmond, that the standard was fixed at sixty-six per cent., and if they get beyond that number of marks, they have passed. Suppose a candidate presents himself and on the legal side of it passes the examination, and suppose he gets ninety-eight per cent.; now, suppose he mis-spells one hundred words and uses some ungrammatical expressions, what are you going to do about that? He has shown his knowledge of the law; what is to be done by the Committee? As I understand it you would have to show the whole order of things to reach this result, and I think, truly, it is a very dangerous matter to deal with before the General Assembly; they do not take the same view, perhaps, that we do among ourselves, and I think we had better let well enough alone; it has been satisfactory and I think we had better leave it just where it is.

Mr. Wilson. I have been brought up in the public schools from the fifth grade up, and one of the sujects ordinarily taught is the effect of alcohol upon the human system; I would like to know whether a candidate is to be examined upon that subject also, under this resolution?

Mr. Talbott: I think that ought to be left to the Court of Appeals.

Mr. Simmons: It occurs to me on this subject that there seems to be a very decided difference of opin-

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ion on the question among the lawyers present, and I think it would be a dangerous precedence to prescribe the studies under which the examination shall be made, and thinking that, if I am in order, I move that the resolution of the gentleman, this morning, be now reconsidered.

The President: The Chair would state to the gentleman, that it understood the resolution this morning to be directed to procuring legislation from the General Assembly that would authorize a further examination in English. Is that correct?

Mr. Talbott: No, sir, my suggestion was simply that the machinery of the Court of Appeals have the necessary changes made there to prescribe the course of study, or if that were not necessary that the Board of Law Examiners, of their own motion, should ask a few questions upon the elementary English branches. That was all; that is as far as it went, and I am perfectly willing to amend that resolution by cutting out the public school branches and saying elementary English branches; I have no personal feeling in this.

The President: The Chair will rule that the resolution is in order.

Mr. Simmons: I move then for the reconsideration of the gentleman's resolution with the view that this entire matter may be left in the hands of the Committee that finally passes upon the qualification of the candidates; with a view to that end, I make that motion.

A Member: I second the motion.

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Mr. Henderson: I rise to a point of order. Was not the resolution that we passed this morning, the resolution recommended by the Committee on Legal Education.

Mr. Simmons: I do not understand it so.

The President: The Committee's report was accepted.

Mr. Henderson: The resolution was to be in writing.

The President: It was adopted with the understanding that it would be put in writing; consequently it is now an adopted resolution and therefore it is necessary to reconsider it.

Mr. Broening: Isn't it merely a suggestion to the Committee, or the Board of Examiners; it cannot do any harm that I can see?

The President: Of course it is a resolution of this Association, an expression of their opinion to the Board and to the Court of Appeals and consequently can be reconsidered. It is moved and seconded that the resolution be reconsidered. Any further remarks.

Mr. Whitelock: I do not understand that this resolution proposes any new legislation in its present form. I understood Mr. Wirt to say that one of the objections which he sees to it is, that it may encounter difficulty in the Legislature.

Mr. Wirt: I was referring to what Mr. Niles said.

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Mr. Whitelock: Have we a thoroughly clear conception of the thing? Let us have that and see whether we understand it properly. As I understand it now the resolution contemplates no legislation at all, but it is merely a suggestion as to the sentiment of this Association, a suggestion to the Court of Appeals for the operation of that Court upon the Committee.

The President: That is what the Chair understands.

Mr. Whitelock: Now, I do not believe that any member of the Association does not think it a good thing that all applicants for admission to the Bar should be posted in these rudimentary academic branches of education, and if that is what we think, we are only here expressing the sentiments, and I say let us express a sentiment in favor of an examination on those subjects.

Mr. Simmons: We are all agreed with the gentleman from Baltimore City that this is no time for the lowering of standards, but we are here for the purpose of refraining from expressing to the Court of Appeals our views upon the subject which the Court of Appeals is better able to judge than we ourselves are. I think from my knowledge of the members of the Court of Appeals and from my knowledge of the *personnel* of this Committee in charge of the examination of candidates for admission to the Bar of this State, that that is a matter that can be safely entrusted to them, and that the end of the elevation of the Bar of this State will be

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accomplished by act of theirs. There is no division of sentiment, as I understand it, of this Association upon the question of the maintenance of the high standard of the Bar of Maryland; there is no desire to lower that standard; there is no desire either, I think, to do injustice to an ambitious man who may, by close application, qualify himself to practice the law, whether he be examined minutely into the details of an English education or not, but I do submit that if a man has shown the mental qualifications which are sufficient so as to equip him to pass such an examination as he is subjected to by this Committee, which is appointed by the Court of Appeals for the examination of candidates, and if also be not deficient to such an extent, in the rudimentary branches of English, as to make the *personnel* of that Committee believe that the standard of the Bar of this State will be lowered by his admission to the Bar, then I think that that man is a proper man to practice law in this State, and that no obstacles should be thrown in his way. I think those gentlemen who are appointed for the purpose are quite competent to pass upon his general educational qualifications, and therefore, I say, with the view of elevating the standard of the Bar of the State, that I, for one, am in favor of extending the time to three years instead of two, and for throwing around the Bar of this State such educational qualifications as may be necessary to maintain the present standard, or elevate that standard; yet I would very reluctantly cast my vote for any resolution which would throw a single obstacle in the way of any young man

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who might pass the examination which has been prescribed and which is being prescribed by the competent Committee, which has been appointed for this purpose in this State, and I think that to that Committee should be left, not only his qualifications, not only in the knowledge of the law, but that also to that Committee can be safely entrusted his general qualifications as to the rudiments of English education.

Mr. Lehmayer: Mr. President, with the greatest respect to the gentleman who has just taken his seat, I see no reason why the motion should prevail. In the first place it is a recommendation by Mr. Richmond, the Chairman of the Committee who has that matter in charge. As I understand it, he is one of the Board of Examiners himself and is carrying out that suggestion, and not only that, I think it is in the line of the proper course of procedure; I think this Bar Association ought to go on record as being in favor of elevating the standard and not lowering it, and that a man that is not familiar with the rudimentary branches of the English language is not fit to practice law.

Mr. Whitelock: I would add one word in response to Mr. Simmons, and that is this; I do not believe that any Committee would assume to examine applicants for admission to the Bar upon academic subjects, unless there had been an instruction from the Court of Appeals for an Act of the Legislature.

Mr. Riley: Mr. President, do you believe that any member of this Association would be willing to trust his present certificate to practice, to his ability to

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pass a high school examination now? Now, do you think any man is fresh enough to do that? Now see; is there anybody here that is willing to go through a high school examination of this present day? Try him on geography; try him on new forms of calling old grammatical expressions; try him on new rules, and he don't know where he is; they have entirely different names now a-days, and there is not a gentleman I believe, myself included, that could pass the high school examination of to-day if our certificates depended on it, without previous preparation.

Mr. Whitelock: I wonder whether any of us could pass an examination for admission to the Bar?

Mr. Riley: I expect we could; I am quite sure that I could, and I feel safe in saying the same for the other gentlemen here.

Judge McSherry: It depends on the kind of Bar.

The President: The motion to reconsider is now before you; all in favor of it will please say aye.

The motion on being put, was lost.

The President: The motion to reconsider is lost.

Mr. Sams: The original motion is the one that was adopted this morning.

The President: Yes, sir. The Chair will give notice now that there will be no evening session to-night; the paper that was to have been read to-night will be read to-morrow morning after the Annual Address. The Association will now adjourn until to-morrow morning at ten o'clock.

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Whereupon the Association adjourned until Thursday, August 1st, at ten o'clock A. M.

SECOND DAY.

The President: The Association will kindly come to order. The first business in order this morning will be the report of the Committee on Nominations.

Mr. Van Bibber: Mr. President, your Committee begs leave to report, and recommends and nominates for Officers for the coming year, the following gentlemen:

President,	JOHN L. WIRT, Cecil.
1st Vice-President,	THOMAS W. SIMMONS, Cambridge.
2nd "	JAMES A. PEARCE, Chestertown.
3rd "	J. EDWIN WEBSTER, Bel Air.
4th "	CLAYTON PURNELL, Frostburg.
5th "	JAMES REVELL, Annapolis.
6th "	HAMMOND URNER, Frederick.
7th "	B. HARRIS CAMALIER, Leonardtown.
8th "	RICHARD BERNARD, Baltimore.
9th "	MARTIN LEHMAYER, Baltimore.
Secretary,	CONWAY W. SAMS, Baltimore.
Treasurer,	FRANK G. TURNER, Baltimore.

EXECUTIVE COUNCIL.

BENJAMIN A. RICHMOND, Cecil.
GEORGE WHITELOCK, Baltimore.
THOMAS H. ROBINSON, Bel Air.
J. HENRY BAKER, Baltimore.

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The President: You have heard the nominations; how shall they be acted on, separately or altogether?

A Member: Altogether.

The President: What is the pleasure of the Association in reference to the nominations?

Mr. Henderson: I move that the Secretary cast the ballot.

A Member: I second the motion.

The motion was put, and carried unanimously.

The President: The Secretary will cast the ballot of the Association in favor of the Hon. John S. Wirt, for President for the ensuing year, and the balance of the Officers, as nominated.

The Chair now has the pleasure of introducing to the Association Henry C. Niles, Esq., of the York County Bar Association, who will deliver the Annual Address at the invitation of the Association.

PRIESTS OF THE TEMPLE.

The invitation to participate with you in this meeting in this beautiful spot came to me as a pleasant surprise, and in the first flush of tickled vanity was accepted with alacrity. Subsequently came the sickening appreciation of personal inadequacy, when it was too late to withdraw from the responsibility, the honor of which I had so willingly appropriated.

From the wilds of the woods of Penn, what could I hope to bring that would be in the least worthy of an hour's attention of this gathering of brilliant and learned lawyers of the rich and sunny land of Calvert and Baltimore?

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You can expect no novelty; there is nothing new. You desire nothing witty or erudite, else the selection of speaker would have been from your own number.

At the risk of being trite, I will offer a few thoughts in regard to the duties and privileges of the legal profession that are common to us all, but are, I believe, too infrequently expressed, on account of a sort of dignified self-conscious reserve, rather peculiarly characteristic of members of the Bar.

Expressly disclaiming a homiletical purpose, but nevertheless dreading the criticism of presumptuousness, I desire to present to your gracious consideration the subject:

PRIESTS OF THE TEMPLE.

Sometimes reference to the "Temple of Justice" is made with satirical leer or greeted with contemptuous smile, and shallow wits talk of the Court House as the place where equity is judicially dispensed with.

Nevertheless the phrase "Temple of Justice" has its origin in a noble conception which ought to be so much of a reality that the idea expressed would compel a mental attitude of reverence, rather than of levity or scorn.

The thought is: That any building set apart for protecting the rights of men and remedying their wrongs, is a holy place.

The room in the backwoods county with bare benches, sawdust-covered floor and ancient tipstaves armed with immense billets of timber to awe the motley crowd; and also the granite and marble pile of the metropolis, should be surrounded by a certain atmosphere of reverence, because set apart for the most solemn and important of all uses.

It is appropriate that according to the requirements and resources of the community the building in which the court is held, and the forms and proceedings thereof, while well adapted to the speedy and convenient transaction of legal business, should also be as impressive and beautiful as possible in architecture and dignified in style. Respect for the law,

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to which the house is dedicated, may well have an outward expression in due reverence for its material symbols and instruments.

In the broader, immaterial sense, the American Temple of Justice is ideal. It is the still growing and constantly developing fabric of our law.

Much of the original material was imported from other lands. Great stones, to which cling the ivy of Saxon tradition and the lichen of English precedent, contribute solidity.

Arches of Italian grace transferred bodily from the civil law, and columns of Greek origin, soften some of the angles and lend a milder tone.

A part shows the handiwork of the French usurper and there are traces of the influence of Hidalgo and Spanish monk.

Dutchman and Huguenot, Scot, Celt and Sclav have contributed to that passion for liberty and political and civil equality that has cemented all the parts and made possible the integrity of the whole.

From the foundation of constitutionally protected inviolable and inalienable rights there now arises a symmetrical dome, supported by the most perfect reason and nearest approach to exact justice ever attained, from which the nations sitting but lately in darkness are to be illumined by the glorious light of jurisprudence

The architects of the fair and sturdy fabric of our law have been the lawyers. They were both the builders of the Temple and its Priests.

They best knew the mysteries and loved the sacred fire. For centuries they toiled. Sometimes forced to repel with the sword and the arm of flesh the unbelieving foe, but always returning with constant purpose to plan and achieve until the shrine of Liberty and Law should be the centre of the adoration of mankind.

The Lawyers of America are the Priests of the New World's Temple of Justice.

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It is my hope to be able to suggest some idea not unprofitable for consideration from this sacerdotal character of the profession.

BEFORE ASSUMING THE VOWS, THERE MUST BE ADEQUATE PREPARATION.

The ministers of the law must be learned in the history of its development, instructed in the basis of its principles and devoted to its advancement and perfection.

A science is understood, improved and expounded as the result of the patient investigation and enthusiasm of a select body of students.

It is eminently so with jurisprudence. Nothing but untiring research and absorbing interest can give the legal comprehension necessary for a leader of the cult.

Only the burning enthusiasm of the devotee can compel the unity of purpose and thought essential to the great lawyer.

He who is to do something for the law must be warmed with a kind of religious fervor.

With him legal truth, fair justice, must be the first object of his life and the idol of his heart.

His preparation and admission to the Bar has the meaning of a holy vocation.

Conception of the dignity of his calling, of the necessity and design of law as the frame-work of human society and the means by which the future of the race must be assured; its highest ideal, man's highest conception of the Deity; and its completed purpose the brightest hope of the world; should make the study of legal ethics superfluous and a board of censors a useless institution.

THE PRIESTS OF THE SHRINE OF LEGAL TRUTH, AS MUCH AS THE MINISTERS OF THE CHURCH, SHOULD BE FILLED WITH WISE AND INSTRUCTED ZEAL.

In a very vital sense those ordained by the Church, and those called to the Bar have practically the same mission.

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The perfection of juridicial science is the practical enforcement in daily affairs of the fundamental golden rule of Christian ethics, which, in legal paraphrase would be: Whatsoever in any set of circumstances a citizen, if properly enlightened and with the altruistic motive, ought to desire that men should do unto him, society by its governmental machinery should compel him so to do.

In the ultimate analysis there is no difference between jurisprudence and religion. The Gospel is the perfected spirit of the law; the law, the practical enforcing of the rule of love.

In the early civilizations the priest and the expositor of law were the same.

It is well that in modern times by another route men are coming to see that there should be no distinction between things religious and secular. Not because holy things are to be profaned, but because man is coming to better appreciate his own dignity and to comprehend that whatever relates to the well-being and further evolution of the climax of creation cannot be common or unclean.

The greatest thing in the universe is justice, the perfection of which is all embracing, omniscient love.

No more exalted object can possibly absorb the powers of mind and soul.

To the true lawyer the highest incentive to study and toil is the hope that he may contribute somewhat toward bringing his country and his race to the measure of the abstract ideal.

As Father Confessor the modern lawyer has duties to perform that are delicate and important.

The relations of counselor and client are more intimate and confidential than were ever those of monk with sinner in the confessional.

No conscience but his own to keep him and his client on the safe side of that waiving line between right and wrong; no judgment but his own to guide him safely between his duty to his cause, to his own reputation and success, and the dangerous rocks of perjury and subornation or permission thereof.

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Under the most awful temptations he has his own and his client's honor in his unassisted keeping and needs almost superhuman wisdom and virtue to do his full many-sided duty.

If he is true to all his obligations he is a strong tower, and defence of the morals of the community and may save many a soul from death.

Be he false or ethically obtuse he will deceive those weak ones who depended upon his supposed strength and the crying blood of their ruin be upon his conscience.

MANY OF THE TEMPTATIONS OF ECCLESIASTICS BESET THE LAWYER.

As students and members of a select and learned class the esoteric tendency is one of the dangers to be noticed and guarded against.

It requires natural capacity, broad education and much technical learning to make possible a comprehensive understanding of legal science.

This may produce in some (not always those who might have most reason) an attitude of conscious superiority bordering upon superciliousness, a contempt for the common run of the laity and disregard for the opinion and approval of the people.

This mental posture might be harmless under the government of a wise and benevolent despot where, if the tyrant understood and approved of the wisdom of the laws, there would be no danger of failure of justice and the final result would approve the principles and processes to all; and it would be no matter if it did not.

In a Republic, on the other hand, the reason, propriety and fairness of the laws must receive the popular approval or they cannot be enforced.

If the Priests of the Temple of Justice are content to confine the knowledge of the mysteries to their own inner circle and banish the crowd whose lives are affected, to the Court of the Gentiles, they will find in time their shrine forsaken and their holy place desecrated.

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In this is involved a principle of the growth, power of adaptation and reformation of our law.

The masses, or rather the intelligent number, who direct the general thought, and inevitably thereby the actions of the country, must be fully convinced of the necessity and reason of at least the fundamentals of our system.

Therefore, of the most important of a lawyer's functions are those of Public Instructor; Doctor of Logic, reason, science of government; and above these, as *preacher* of *righteousness;* and still above all, as practiser thereof.

The greatest advocates have always been those who relied, not so much upon the authority of precedent, as upon their ability to discern themselves the rules of universal justice applicable to the particular case and make the same clear to judges and juries.

The most illustrious judges are not those who cite long lists of former decisions as excuses for their own, but rather who so state the reasons that made the conclusion necessary as to compel the concurrence of all impartial minds, not only, but convince the losing side that it was not the judge, but the impersonal and irresistible principle of universal right that made impossible any other conclusion.

Teachers of religious systems are most useful and effective when they deal with men as individuals rather than in masses. Correspondingly the work and influence of lawyers is most useful and productive when applied to the particular case and citizen.

The starting point of our system of justice is the concrete case. No matter how interesting theoretically the point may be, no judge who understands his business will give an opinion thereon except as it is necessary to make clear the grounds of the decision in the cause actually before him.

Some citizen must be so affected in his legal rights and sufficiently interested and determined in defence of them to be willing to undergo the expense and trouble of litigation; and some lawyer with enough skill to present the matter at issue in an orderly manner before the proper tribunal must be

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moved by adequate considerations to exert himself to that end.

The most learned Bench is helpless without the cooperation of a wise and honorable Bar. And the greatest skill of counsel must be valueless to the world without a client and a case.

In the Providential arrangement of human motives, when the proper time came for a great step to be taken in the development of the law, there has always been found both a client with nerve and courage and a counsel with skill and determination to bring a case involving the important principle in a proper manner to the consideration of the appropriate court.

There is an universal desire in human nature for distinction; for something to lift the individual from the mass and rescue him from the oblivion that with death is the common heritage of man.

A laudable way to attain the satisfaction of this human yearning is to link one's name with the establishment of a legal doctrine.

On account of his case Shelley became immortal. Dumpor and Twyne and Semayne are known wherever English law is studied, and the six carpenters who became trespassers *ab initio* are famous, although anonymous.

When Bernard carried the cask of brandy to the cellar of his friend, he was an obscure citizen of London, but the contention of Coggs that he should pay for the liquor spilled made both men as noted as Lord Holt himself, who in that controversy, laid down the law of bailments for the benefit of future generations.

William Marbury was a Maryland Squire to whom James Madison refused to deliver his commission as Justice of the Peace, under the warrant of which he had expected to issue criminal process and try civil cases involving less than twenty dollars.

He might have cravenly submitted to the arrogance of power. He would have saved his money and his pains; but

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he would have died in obscurity with no leading case to keep his memory green. He employed Charles Lee, Esq., and doubtless paid him well, for he had been Attorney-General, who in his name sued James Madison, the Secretary, and defied Thomas Jefferson, the President of the United States.

Chief Justice Marshall said he was right; that he ought to have his commission, and told Madison that although he held an exalted station he was not above the law. But just as the expectant Squire seemed to feel the coveted parchment in his grasp, the judge took a turn that sent him to another court, refused his prayer but endowed him with legal immortality.

Marbury's trivial contention brought before the Supreme Court the most important question in the history of America.

Wherever the history and development of the powers of the Supreme Court of the United States are studied and understood the name of William Marbury will be known and his courage and his counsel's skill be noted, though unsuccessful.

We might go on indefinitely in enumeration of similar instances of establishment of important doctrines by the play of human motive in petty cases.

This is an easy high road to fame for the litigating public. In carrying a nice question through all the courts the lawyer may receive the present profit, but the client wins the lasting fame.

THERE ARE SOME PRIESTLY DUTIES THAT IT IS JUST AS WELL FOR LAWYERS NOT TO ATTEMPT.

For instance: In modern times Priests of the Temple need not pose as prophets. Legal vaticination is unprofitable.

It is difficult enough to know what has been decided without attempting to investigate the future possibilities of the judicial mind.

The seers who knew just what the Supreme Court was going to say in the Insular cases would have been ridiculous had it not been so difficult for their fellows to know just what had been decided even after reading the opinions.

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THE MOST IMPORTANT FUNCTION OF THE PRIESTS OF THE TEMPLE OF JUSTICE IS THE PREACHING OF LEGAL TRUTH BOTH ON PUBLIC OCCASIONS AND IN PRIVATE ASSOCIATION WITH THEIR FELLOW CITIZENS.

Among the subjects for treatment in formal discourse and personal exhortation probably the most important at this time is that of Constitutional rights and limitations.

Constitutional government is peculiarly an American institution; the foundation of our equal laws and the protection of our personal liberty.

Even Great Britain does not enjoy a Constitutional government in the American sense. Parliament is omnipotent; and if it should pass an act violative of those traditions that make up what is called the British Constitution, there exists no power to curb the tyranny of the majority.

Our theory is: That the whole people of the Commonwealth by their special representatives, for that particular purpose chosen, deliberately and calmly have set certain limitations to their own otherwise illimitable power.

They have said: "There are certain things that we must not and will not do; no matter how much in times of excitement and passion we may desire to do them."

"A prerequisite to the holding of office of any kind shall be the taking of a solemn oath to faithfully support the Constitution and observe its limitations."

In order that the same agents who make the laws may not be their own judges as to their faithfulness, an independent judiciary is provided as the ultimate tribunal whose right and duty is to pass finally upon the constitutionality of any law and to whose judgment all the people are pledged to submit.

The result is that no citizen can be deprived of a constitutional right, or of any right in an unconstitutional way, even though all the rest of the State may so desire.

This is the highest development of the race; the nearest approach to Godlike self-restraint and all comprehensive justice possible for man.

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A minority of one can safely defy the unanimous desire of all the rest, if the accomplishment of that desire would violate a fundamental right.

He can say: "You have the brute force to work your will; but I appeal from your present passion prejudice or rage to those principles of right and justice which in your Constitution you have recognized and sworn under all circumstances to observe."

So long as the people retain a tender civic conscience; so long as the spirit of the fathers lives in the bosoms of the sons, no constitutional right will be wrested from the humblest, weakest or most universally hated citizen. The people will yield, not to the one objector, but to themselves; they will bow to their own resolution, deliberately recorded on the calm heights of wisdom, at a time when reason was unclouded by prejudice, partisanship, love or hate.

This is Constitutional Liberty; the glorious fruition of the toil and thought and hope and battle of the centuries.

The devoted men who established the government risked their lives and fortunes for this end. The sons are enjoying the results of their wisdom and sacrifice. We will not be worthy of the heritage unless we hand it down unimpaired to our successors.

Particularly this is the lawyer's individual duty, paramount to any other.

In the ultimate analysis, good government by the people must rest upon the conscience and intelligence of the people themselves. Free government will not run itself.

Establish a despotism and the machine will operate smoothly with no attention from the subject but obedience.

No matter how carefully drawn may be the Constitution, unless a majority continue wise enough and true enough and sufficiently sober and self-restrained, to give up at all times their temporary wishes if contrary to the principles of justice permanently recorded in their fundamental law, the whole glorious edifice of freedom must crumble.

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It will fall if those who ought to know are ignorant, and if those who should do are careless.

If constitutional liberty is to continue, the citizens must be kept informed as to the reason and necessity for the preservation of the bulwarks by which it is guarded, and the Priests of the Temple must be their instructors.

The arguments of religion are but appeals to the most enlightened selfishness. The pulpit exhorts the pew to do all things contrary to the impulses of the natural heart, because at the end the lasting reward will be worth incalculably more than all possible present pleasure.

It is the function of lawyers to demonstrate that undeviating adherence to fundamental principles of personal liberty, unhesitating observance of constitutional restraints, no matter how much apparently contrary to present interest, desire or profit, and in times of the hottest excitement and stress, is for the best interest even of those whose will is temporarily thwarted.

When the courts alone revere the Constitution, it will not long remain the supreme rule.

There has been a wavering of sentiment in this regard that contains the seeds of disaster.

In enforcing the Constitution the courts are overworked.

Originally, it was the people themselves who placed these limits upon their own power.

The general idea was that Written Constitutions declared the limits of conduct of the citizens and their legislative and executive agents, and that the courts should not undertake to say that the Legislature or their executive had transcended their powers.

Their own conscience, wisdom and patriotism was supposed to be sufficient to prevent them from unconstitutional acts, and it was believed that sufficient public veneration for the provisions of the basic instrument of government would always remain in every department to make it unnecessary to invoke outside coercion.

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Now, Legislatures and Governors pass and approve Acts demanded by popular clamor or partisan necessity, which the least scrutiny would show to an ordinarily well-educated person are violative of the Bill of Rights.

The court is looked upon as the keeper of the public conscience, and all the responsibility for the defence of constitutional liberty is left to its judges.

The judiciary has met the emergency nobly, but it is perilous to subject one part of the governmental machinery to the whole strain that was intended to be borne equally by others.

Once let public opinion be so ignorant or corrupt as to sanction violation of the Constitution and such abuse of power as the temptation of the moment may dictate, the party which may happen to be dominant will laugh at the puny efforts of the judiciary to arrest its course.

The inestimable blessings of a Written Constitution, the paramount importance of prompt, cheerful and universal obedience to its provisions should be so generally appreciated that no number of citizens could be found favorable to unconstitutional action of any kind, and no Legislature or executive to assit in passing or attempting its enforcement.

The same is true in regard to canons of criminal and civil evidence.

Rules of evidence are the result of the wisdom and experience of centuries.

If the people are balked in their desires, under circumstances which seem to them vital, by admission or rejection of evidence in accordance with rules, the reason for which is not comprehended, they may refuse to bow to the court's decree, and anarchy result.

But if they are made to see that the principles that seem to stand between them and what in the particular instance they think to be clearly justice, must nevertheless be invariably adhered to, in order to generally protect accused innocence and assaulted right, in cases in which any of them may be the victim, they will acquiesce with the same readiness as the

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trained student of jurisprudence, and the government of laws and not men will be perpetuated.

Who is to show the citizen that the dictates of the most enlightened selfishness should lead him unhesitatingly and cheerfully to yield his temporary desire and judgment whenever it conflicts with the fundamentals of right and universal fairness written in constitutions or embodied in rules of evidence?

This duty is upon us as Priests of the Temple of Justice, and as preachers of her truths.

As it is the duty of ministers of religion to justify the ways of God to men, so the ministers of justice must justify her ways to the end that all men shall become her devotees, and with the fervor of conviction and the understanding of reason run joyfully in her paths.

LAWYERS SHOULD BE THE EARNEST PREACHERS OF CIVIC RIGHTEOUSNESS.

There is necessity for vigorous and eloquent exhortation to a revival of public spirit and practical patriotism.

If a pure government of the people is to be perpetuated, it must be made apparent that it is more for each man's personal advantage to live under an honest and just government, even though under a corrupt or imbecile rule the individual may be able to grasp comparatively greater advantages than his fellow sufferers.

Those interested in temperance reform have brought it about that children are taught in school facts by which they understand that it is by far the best for them to resist all inclination to indulgence in alcoholic drinks, and enlightened selfishness is expected to make them virtuous.

Why should not the young in similar manner be taught that the highest interest for each is to develop an increasing knowledge of and respect for the fundamentals of free government, an intelligent public spirit and a reasonable patriotism?

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Business men should be led to see that by serving on juries at two dollars, when at their own affairs they could make five hundred per day, they are really obtaining a personal advantage by raising the quality of the panel, and thereby gaining a consequent greater protection for their own life, liberty and property whenever in jeopardy. A great necessity is upon us, the necessity of self-preservation, as well as of patriotism, to be preachers of the gospel of constitutional liberty, civic duty and systematic law.

No matter how perfect the theory or complete the system, unless an overwhelming majority of the people understand the reason and necessity and appreciate that their best interests absolutely require the preservation of the system in whole and every essential part, there will be failure.

Failure there must not be.

The destiny of the race depends upon the permanent success of this American experiment.

The fate of America depends upon the conscience, capacity and enlightenment of her citizens. Their education in affairs of government and law, their political regeneration, is the great mission of the American Bar.

No matter what may be the tempting bait with which the crafty boss may attempt to ensnare us in his filthy net; no matter how heavy with gold the chain by which it is sought to bind us to the servile toil of corporate rapacity, we should hold before all other things our duty and high privilege as Priests of Justice's Temple, and worshipers at the Shrine of Truth.

And lastly, the Twentieth Century seems to call for American lawyers as missionaries to proclaim the principles of liberty and law to the uttermost parts of the earth.

The true glory of America is not in its material success or military and naval power.

Other nations have been as rich as we; the slaves of absolutism more victorius.

Our real distinction consists in the constitutional protection of individual right to enjoy and defend life and liberty, to

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acquire, possess and protect property and reputation and to pursue happiness, and in the deliberate self-restraint of the whole people that makes them willing to relinquish any project that is shown to interfere with these inherent, indefeasible rights of the weakest member of society.

This is the Imperialism under which the Orient and the Islands of the Sea may, in the fullness of time, be brought into willing subjucation.

More has been accomplished in the Phillipines in a year by a few mild-mannered American judges and law professors than in three years of armies and battle ships.

In the further extensions of the blessings of liberty and law, the labor and the laurel will belong to the American Bench and Bar.

To them is committed the Ark of the Covenant. Upon them devolves the serious responsibilities of Father Confessors.

Their lips are consecrated to the preaching of the truths of Constitutional Liberty and equal and exact justice.

To them is directed a great commission to turn the world's darkness of absolutism and personal rule into the light of liberty.

The American lawyer's is a holy vocation, a royal priesthood. On his bowed head the awful Past has placed its consecrating hands; the Future with its purpose vast stands waiting his supreme commands.

May we all, as Priests of the Temple of Justice, be true to the sacred trust.

The President: The next business in order will be a paper by Mr. James W. Owens of the Anne Arundel County Bar, on the subject "Legislation; Its Errors and Needed Reforms." I now have the pleasure of introducing Mr. Owens.

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Mr. Owens: Mr. President, and gentlemen of the State Bar Association, the paper that I shall read is one that has been rather in the nature of object lessons to me in my practice as a lawyer at the Bar and before the Legislature of Maryland. The views that are expressed are my own, and I apprehend that in some of the remarks which I will make, that I will be classed with "Felix Holt, the Radical." It is embarrassing to me to appear before such an audience as this. Different persons have different ways of computing ages; one has said that a woman is as old as she looks; and a man as old as he feels. If in the enjoyment of life, I am only as old as I feel, I can go back to the sunny days of youth. Dickens has said that we live by events, and not by years; if that be true, in my case, I am a thousand years old. The calendar tells me the years of life, and it tells me that I have passed the three score mark, and yet in coming before these distinguished gentlemen and those who have been at the Bar so long, I feel that I am still a young lawyer, only having been a practitioner for fourteen years, and when I appear before such an audience it carries me back again to my boyhood days when I stood upon the forum at the school and said:

> You would scarce expect one of my age
> To speak in public on the stage.

And as I look over this distinguished audience I feel like continuing the words of the culprit and say:

> And if a chance to fall below
> Demosthenes or Cicero
> Don't view me with a critic's eye,
> But pass my imperfections by.

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LEGISLATION; ITS ERRORS AND PROPOSED REMEDIES.

In discussing the question of Legislation; Its Errors and Proposed Remedies, it would seem proper to start at the fountain head, for if the corner stone be not well laid the structure will topple and fall. Therefore we will begin at the beginning and turn our attention to our State Constitution.

This Constitution was adopted, as every one knows, in 1867, and was the embodiment of the views of men of eminent ability. It probably met the requirements of organic law in the then condition of affairs, but the old Latin adage, "*Tempora mutantur et nos mutamur in illis*," is applicable to present conditions.

That times change and we change with them is illustrated every day, and nowhere more strongly is this fact illustrated than in the Constitution of Maryland. It may be interesting to know that the cost of the Constitutional Convention of 1867, to the State, was about one hundred thousand dollars. It may be more interesting to know that in attempting to make a crazy-quilt patch work of it, since 1867, there have been thirteen Amendments offered and voted on, and that the cost of advertisement alone has been over forty-two thousand dollars. Taking this as a matter of economy, therefore, in view of the changes of conditions since 1867; taking into consideration the evident desire of legislators to amend the Constitution, it would seem that a Constitutional Convention is the first necessity of the hour.

Article XV of the Bill of Rights says: "that levying tax by the poll is grievous." Section 44 of Article III provides for an exemption from execution, and the Code exempts one hundred dollars from taxation. Going further, the assessment law of 1896 exempts three hundred dollars worth of farming implements from taxation. Equal rights to all, special privileges to none, are the very essence of our laws.

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Under the changed conditions since 1867, one-half of our farmers are tenants, who own practically nothing beyond their agricultural equipment.

Now let us look at these "rights and privileges." In the matter of education, in the use of the public roads and highways, in the use of the machinery of the law to assert his civil rights, the man who pays no taxes has equal privileges with the one who does. Is it right that he should not contribute, either in money or labor, something towards the maintenance of, at least, the public highways, whether in city or county, and, if every man was taxed by the poll to the value in money or labor of two days' work, would there be any discrimination against him? The tax payer has no more rights or privileges that the non-tax payer. Every right carries with it a corresponding duty. Lower taxes give increased values to properties. A comparison of registration and tax lists in the State will show that only about one-half of those who vote pay taxes. Approximately, we have a voting population of three hundred thousand, therefore a poll tax of two dollars in money or labor, on those who vote and pay no taxes, would give us three hundred thousand dollars to the credit of roads and highways, and this, from sources with all rights and privileges of the tax payer, without any of his duties to contribute to the support of the government. Maryland is one of the very few States which does not impose a poll tax.

Article XXXVIII of the Bill of Rights, "requiring legislative sanction to bequests," could be entirely repealed, and the duties under that section be delegated to the courts, thus relieving the Legislature of this class of work.*

*This provision of our Bill of Rights is from the old English Statute of Mortmain, as adopted by 43 Elizabeth, chap. 4, and 9th George II, chap. 36. There was then, if not a war between Church and State, at least, relations wanting in a community of interests. The clergy were a part of the chancery jurisdiction and had greater powers in matters of State then than now or here in Maryland. There is no war between Chuch and State in this old Commonwealth, the first to declare in favor of religious liberty.

Our statutes are full of laws sanctioning bequests. I apprehend many in this presence have, in the General Assembly, often passed on these measures. If they should be asked if they investigated any one of them, their answers would be: "No, we knew the purpose was good and we perfunctorily voted for them."

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Article I, Section 1, of the Constitution, "on the Elective Franchise," should be made to conform to the Massachusetts law, which requires a voter to be able to read a section of the Constitution; it should also prescribe the time of residence in a district or precinct to acquire right to registration as well as the residence in county and State.

Section 32, Article III, providing that no money shall be drawn from the Treasury, except in accordance with an appropriation by law, is a relic of the dark ages. Let me instance a case as follows: A collector, county treasurer or some other subordinate financial officer will overpay two dollars and fifty cents into the State Treasury. He wants to get it back; he gets the certificate of the Treasurer and Comptroller certifying that he has overpaid, and a bill is drawn and passed. Without this certificate he cannot get his money; with it, the bill is perfunctorily passed. Let us see its course. It is introduced in the House, by leave; it is engrossed in the engrossing room, comes up on its first reading, is referred to the Committee on Ways and Means, is reported favorably; gets its second reading, is ordered engrossed for a third reading, is engrossed and returned to the Committee on Engrossed Bills; compared by the Committee, marked "engrossed," laid on the reading clerk's desk, goes on its third reading, is passed by ayes and nays after a call of ninety-one names; having been previously journalized on each of its three readings. It is then sent to the Senate, where it has its three readings on three different days, being journalized in the Senate three times; then returned to the House, when it is again referred to the engrossing room for enrollment for the Governor's signature; then returned to the Committee on Engrossed Bills, who examine, mark it "enrolled," return it to the desk, whence the chief clerk takes it to the Governor. The Governor reads it, and the President of the Senate, the Speaker of the House, and two desk clerks are sent for, and the three sign it. It is then a law, and, after being copied in the executive chamber for the public printer to incorporate in the Session laws, it is sent to the Clerk of the Court of

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Appeals, where it is again chaptered and copied. On each of its six readings it has been printed in the Journal, and being a public bill or a bill for the appropriation of money, it has been printed as a bill by the public printer and put on the bill files of the one hundred and seventeen members. It is again printed in the laws, it swells the volume of the laws, is entirely unnecessary and has cost the State, at the very least, fifty dollars. The repeal of this section, and placing the authority to pay with the Comptroller and Treasurer, will lessen work in the Legislature, lessen the required number of employees, lessen the now burdensome volume of laws and lessen the cost of public printing.

In this line of economy a suggestion is made as to Article XIV of the Constitution, which treats of "Constitutional Amendments." The usual course in this matter, after an Amendment has been sanctioned by the General Assembly, (without going into details) is for its publication in certain papers for a given time before election. At the next meeting of the General Assembly, bills are filed by the papers which have published the same; and an appropriation bill or bills, as the case may be, is or are passed to pay for these advertisements. In many instances the bills are exorbitant, yet the Committee cannot go through with each item and examine into the validity of the charges and hence, after going through with all of the legislative detail hereinbefore described, the appropriations are made; this, then, becomes also a part of the voluminous laws. For the purpose of economy, the Board of Public Works, when these advertisements are given out, should contract with the papers publishing the same, and, upon its certificate to the Comptroller and Treasurer, the same should be paid without further legislation.

Another subject which should receive attention is Section 8 of Article IV of the Constitution, regarding the removal of cases from court to court without any real cause. Suggestion and affidavit are all that are required and the court has no discretion. In most instances, the real cause for the removal of cases is from a desire on the part of one party or other to

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the suit to tire one or the other out. As an instance, in Baltimore City, where the jurors in one court may be sent to another court in the City, the only legitimate objection can be to the judge, hence as the same jury is to try the case, the only advantage gained is delay. When a case is tried before a jury the presiding judge can only decide points of law. If he be wrong, the Court of Appeals will reverse him, and when it has rendered a decision, settled the questions of law absolutely, and sent it back under a *procedendo*, the contesting parties will *ordinarily* meet and settle their cases out of court. The Judiciary of Maryland, as a class, are honest and able, therefore, in the removal of cases the judges should be allowed a wide discretion; they are allowed none now.*

So much for a brief discussion of the Constitution, and as a remedy to these matters, which can only be remedied by a Constitutional Convention. I suggest and urge the holding of such a Convention. I am aware that many persons holding office will object to such a Convention, because it would legislate them out of office; I am further aware that the Act of one Legislature carries with it, ordinarily, no restriction upon a successor, unless it be an irrepealable contract, and, therefore, a Legislature could not dictate to a Convention that it should not legislate men out of office, but while it could not dictate, I apprehend that a suggestion of such character would have the desired effect.†

With this discussion of the Constitution, I leave it, and go to the discussion of Statute Law; a field so broad that volumes might be written thereon. One of the greatest curses of Maryland Statute Law is our local legislation. To remedy this, we should place in the hands of a Commission of eminent legal talent the preparation of legislation on this subject, and their first consideration should be the entire repeal and

*In the section alluded to it says, in reference to the removal of a certain class of cases: "It shall be necessary for the party making such suggestion to make it satisfactorily appear to the court, that such suggestion is true or that there is reasonable ground for the same." This qualification should apply to every case.

†The Constitution of 1867, by Section 3 of Article XV, provides for the continuance in office of certain persons for a given time, this could be amended in a New Constitution to let all serve out the terms for which appointed or elected.

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re-enacting of Article XXV of the Code of Public General Laws, title "County Commissioners." This new statute should give the county commissioners absolute municipal powers in county matters, subject to the restraining influences of the writs of injunction and mandamus. The Session laws teem with Acts to authorize the county commissioners "to levy a sum of money to build a schoolhouse in school district, No. 1, of election district No. 2," or "to build a bridge, or to divide an election district." Why this multiplication of statutes? Why not give a general authorization, subject to proper limitations? This is only thrown out as a suggestion; to discuss it in all of its bearings would be tiresome to the body of this Association, it is more properly a subject for the Bar Association Legislative Committee.

Mr. Owens then took up the Articles of the Code in serial order, and discussed the same at length and most interestingly, suggesting valuable changes and amendments, which discussion, although entertaining, had to be omitted by reason of lack of space, and he closed by saying:

The subjects in which more intelligent legislation might be done to the improvement of our jurisprudence are too numerous to be treated of in a paper of this kind, or to be grasped and digested by one mind, unless that mind should have no other occupation. We read that in the multitude of counsel there is wisdom. For a number of years past, I have attended to matters of legislation for the Bar Association of Baltimore and the State Bar Association. From these sources there has been an improvement in our laws but this is only a beginning. This Association, if its objects are properly carried out, can make greater improvements still, and to prepare for this work now, a committee of one from each county and legislative district should be appointed at this meeting to take the subject up. Each one to look after such local legislation as is necessary in his own county, report to the general committee, and the general committee to meet in session in Baltimore, before the convening of the General Assembly, and agree on such measures as may most redound to the credit of the State and this Association.

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In conclusion, Mr. President and gentlemen, I beg leave to say that these suggestions have been jotted down from time to time, and are the result of my impressions gleaned in practice before the courts and the General Assembly. They have been written crudely, in leisure moments from a busy life. I know many of my brothers will differ with me, but we will agree to disagree. If one of these suggestions bears good fruit, it will be making two blades of grass grow where one grows now, and to that extent I shall feel myself a benefactor.

Many other thoughts have suggested themselves, but this is enough, and I may have to feel like the boy who was sent from home by his father to see the world. The old man said: "John, keep your mouth shut, or people will find out you are a fool." In London, John was appealed to to decide a disputed question between two men, but he kept his mouth shut, whereupon they pronounced him a fool. On his return home, his salutation was: "Father, I didn't say anything, but they found me out." So, when our distinguished and worthy President, with whom a friendly association is an honor, honored me by asking me to read a paper of this character here, I determined that he should not reach his verdict by my silence, nor should he be alone in his sufferings. I have grudges against some of the lawyers, and also some of the judges here, for the reason that some of the lawyers have beaten me in cases at Bar, and some of the judges have sat on me so heavily as to mash me flat. But I am nothing if not aggressive, I have had my innings, and I think, after having inflicted my aggressive personality on the lawyers and judges through this paper, that they will forever hereafter stand in awe of me and let me have my own way.

Mr. Sams: Mr. Owens told me that he had made one or two extemporaneous suggestions while reading his paper, and that if you would send a copy of the paper to him he would insert the sense of them.

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Mr. Whitelock: I would like the gentleman who has given us this most delightfully suggestive paper to say how many thousand years he thinks it will take us to put into operation all the reforms that he proposes. Now, he started out by saying that if his age is to be estimated by his experience, he must be a thousand years old. I think he has underestimated the calculation of his own age upon that basis, but I should like to say, expressing my great enjoyment of the paper, that I want to know about how long it is going to take to put these reforms into operation?

Mr. Owens: The only answer I can give to that, Mr. President, is, that at one time a question was asked about the resumption of specie payment in this country, and the answer was made "that the only way to resume was to resume," and I say that the only way in which we can accomplish these things is to go to work on them, and not as Patrick Henry said: "Lie supinely on our backs until the British crowd has bound us hand and foot."

The President: Gentlemen, is there anything further; any new business which may be brought before the Association?

Mr. Talbott: Mr. President, the paper which I have in my hand was handed me with the request that I read and ask that it be acted on and referred to the Committee on Legal Administration.

The President: Mr. Talbott will read the title.

Mr. Talbott: A Bill to Enact Eight Additional Sections; shall I read further?

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The President: No, sir, I think not; if you will offer the resolution it will be referred to the Committee on Judicial Administration and Legal Reform, to be appointed.

EIGHT ADDITIONAL SECTIONS TO ARTICLE XXXV.

A Bill entitled "An Act to Enact Eight Additional Sections, numbered sixty-two to sixty-nine inclusive, to Article XXXV, entitled, "Evidence of the Code of Public General Laws," under the sub-title "Expert Witnesses."

Section 1. *Be it enacted by the General Assembly of Maryland* that the following eight new Sections be added to Article XXXV, entitled "Evidence of the Code of Public General Laws," to follow after section sixty-one thereof.

62. In issues involving the mental capacity of an alleged testator, or of a party to any deed or contract of which the validity is in dispute, or involving the cause of the death of any person, or involving the nature or extent of any physical injuries suffered, on account of which damages are sought to be recovered from, or punishment inflicted upon any party to the suit or proceeding, whether civil or criminal, no witness shall hereafter be examined as an expert upon hypothetical questions, or as an expert give his opinion as to the result arising from any assumed facts not actually observed by himself personally and directly connected with the issue joined, except by leave of the trial court first granted upon the written application of one or more of the parties to said cause as hereinafter provided; but nothing herein contained shall disqualify any witness otherwise competent as an expert from testifying as to facts observed by himself personally in regard to the person whose mental condition or the cause of whose death or the nature of whose bodily injuries is in question, or from testifying as to any results which in his opinion may be established by such facts so observed by himself personally.

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63. The application provided for by the preceding section shall be made in writing by or on behalf of the party desiring such expert testimony and verified by his affidavit and a copy thereof served upon the opposite party to the cause, at least fifteen days before the same would be called in regular course peremptorily for trial, unless the court, in its discretion, for good and sufficient cause to be set forth in said application, shall consent to receive and entertain the same at a later date. Said application shall set forth specifically the questions arising or expected to arise in said cause in regard to which such expert testimony is applied for, and before granting or refusing the same the court shall give the opposing party or parties an opportunity to either unite in or oppose the same.

64. After hearing the said application, the court shall pass an order stating the question or questions in said cause upon which said expert testimony shall be allowed, the names of the expert witnesses to be examined, and the amount of money to be deposited in court by the party or parties applying for them, as security for the payment of such fees as may thereafter be allowed by the court to said expert witnesses, as compensation for their services, and unless the full sum so fixed by the court shall have been deposited with the clerk, before the actual commencement of the trial, such expert witnesses shall not be examined in the cause. In cases where two or more parties unite in the application, each party so uniting shall pay his proportionate part of the deposit, to be fixed by the court, and the failure of any party to do so before the commencement of the trial shall be deemed a withdrawal of such party's application and the other party or parties still desiring such expert testimony shall then be required to make up and pay into court the full amount of said deposit before such expert testimony can be heard.

65. If all the parties shall agree in writing as to the experts to be examined or as to the number of them, they shall be summoned by the court in accordance with such agreement, but if the parties shall fail to so agree, the court shall appoint expert witnesses to be so examined, not less than two

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nor more than four in number in any one case, in its discretion; and the said expert witnesses shall either attend the trial and hear all the testimony given on both sides bearing upon the questions upon which their evidence shall be allowed, or they may, by permission of the court, read or have read to them the full stenographic notes of all such testimony, in cases where the same shall be stenographically reported, and after the conclusion of all the non-expert testimony in the case, shall, in answer to interrogatories propounded by the presiding judge, give their opinion founded upon such evidence as to the matters upon which they have been called upon to testify, together with their reasons for having arrived at such opinions, after which the said experts may be further interrogated and cross examined, first by counsel of the plaintiff and afterwards by counsel of the defendant, and after the conclusion of the cross examination by defendant's counsel any further interrogation of such expert witnesses, whether by judge, jury or counsel, may be allowed or not, at the discretion of the court.

66. At the conclusion of the said experts' testimony the court shall pass an order allowing each of them such witness fee as to said court shall seem just and reasonable, to be taxed as part of the costs of the case, but to be paid in the first instance out of the deposit made as hereinbefore provided for by the party or parties who applied for such expert testimony, and if said deposit shall be insufficient for the purpose, said party or parties shall make good the deficiency.

67. Any witness examined as an expert under this Act, who shall receive any money or valuable thing, or be a party either directly or indirectly to a contract for the payment of any money or valuable thing other than the fees or expenses allowed him by order of court as a compensation for so testifying, shall be guilty of a misdemeanor and upon conviction thereof may be imprisoned in jail not exceeding two years or fined not exceeding one thousand dollars, or both fined and imprisoned in the discretion of the court, and shall thereafter forever be disqualified from testifying as an expert under this Act in any of the courts of this State.

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68. In cases where experts are appointed under this Act to testify as to the nature and extent of personal injuries for which damages are sought to be recovered, the court may, in its discretion, after due notice to both parties, pass an order for the physical examination by said experts of the injured person by whom or for whose benefit the action is brought, at such time and place and upon such conditions as to said court shall seem proper, and if said person shall refuse to submit to such examination after due notice and demand, the court may enter a judgment of non-suit in said cause.

69. The several courts of this State are hereby empowered to pass rules of court, from time to time, extending the provisions of this Act to any other class or classes of cases in which expert testimony may now be given under existing laws, and such rules of court shall apply to all cases actually pending in such courts at the time of their adoption.

Mr. Talbott: While I am on my feet, sir, following up one of the suggestions from the very able paper of Mr. Owens, I have been struck not only with the difficulty that Mr. Owens speaks of in regard to the break of the record of title to real estate by reason of devise and intestate inheritance, but also another difficult point that we have. Very frequently we run across the fact that the holder of real estate has died intestate, or if not, testate, but not naming his heirs at law. Very frequently we find in our county, I am sorry to say, there is no way to ascertain as to personal property; there was no description made in the Orphans' Court, and therefore no record has ever been obtained as to how his real estate descended. A man examining a title to real estate, therefore, was put to a very great unnecessary burden to discover in whom he should examine for the con-

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tinuation of that title. Now, it seems to me, for a number of years, that an amendment to our laws was really necessary on that point, and while I hesitate very much, I feel that too much legislation is had in some matters; while I hesitate to make a suggestion, I do think that it is necessary that this Association should make a recommendation, and I have prepared a resolution, which I will offer, which reads as follows:

Resolved, That the Maryland State Bar Association recommends to the Maryland General Assembly the passage of a bill requiring applicants for letters testamentary or of administration to file in the Orphans' Court to which application is made, an affidavit stating the full name of the decedent, the time of his or her death, and the names and places of residence of his or her heirs at law.

I make that not only that the record of real estate may show to whom it was descended, but also as being of value in the future as showing the ancestral trees of some of our people who may have difficulty without it. I know that that record is made in Washington in very much greater detail than in this, and it has been found to work satisfactorily there.

Mr. Sams: I move that it be referred to the proper Committee.

The President: Gentlemen, you have heard the motion; it is moved that this resolution be referred to the proper Committee, which is the Committee on Judicial Administration and Legal Reform.

The motion, on being put, was carried unanimously.

Mr. Lehmayer: I would like to ask a question in reference to the other resolution that that gentleman, Mr. Talbott, offered. That, I believe, was referred

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to a Committee. Now, in the usual course, that Committee does not report until next year.

The President: No, sir, not until the next meeting.

Mr. Lehmayer: Don't you think that that ought to be remedied? Now, if any resolution is offered that is of importance to-day, don't you think it could be brought before this present session, and not wait another year; it strikes me that we proceed rather slowly in that?

The President: Most of the work of the Committee is done during the recess, and the present Committees go out of office at the expiration of the session to-day; the New Committees are appointed and they take charge of the work.

Mr. Lehmayer: You see the paper, as read, was in the nature of a bill. Now, if it has to be reported back to the next meeting of this Association, it cannot be presented until the Legislature of 1904. If there is any merit to it, it seems to me something should be done to bring it up at once.

The President: If the Association desires to accomplish that, of course it can so instruct the Committee by resolution.

Mr. Owens: I suggest that the Legislative Committee be so instructed; I think that the way to do this is to present it in the shape of a resolution; I think we ought to give the Legislative Committee the authority to take up the matters on legislation, and to have some meetings in Baltimore City before

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the meeting of the Legislature, for the purpose of recommending such legislation as this Association wants. If there is not such a Committee, I move that a Committee be appointed; the Chair to name the Committee.

The President: There is a Committee that would have jurisdiction for such work.

Mr. Wirt: I do not think it is a practical matter Mr. President; I have had a great deal of service on Committees consisting of eight or nine members, and unless the subject is very important, it is very hard to get a quorum, even of a small Committee, to meet in Baltimore, and I think another Committee, such as suggested, would be large and unwieldy, and we all have had to consider questions of that kind, and I am sure this would make great confusion for us; I think that a smaller Committee, such as we have now, one from each Circuit in the State, is fairly representative, and much more effective than to have this large one; that is my experience about Committees, with large Committees, is, that they never have meetings.

Mr. Owens: Well, I take Mr. Wirt's superior experience in regard to the question of Committee and withdraw the motion.

The President: Is there any further business?

Mr. Bernard: I don't know whether it ought to come under the head of new business or unfinished business, but I think it is a matter that will come in here. I believe it is a rule of the Association, always,

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whether it is unwritten law or written law, that there is never a vote of thanks tendered to the gentlemen who read papers, members of the Association; the supposition is that it would offend the modesty of the members of our own Association who had read papers, but I move that we show our appreciation of the paper read by Mr. Henry C. Niles, the invited guest from outside of the State, by giving him a rising vote of thanks.

A Member: I second the motion.

Mr. Whitelock: I think that there is a rule providing for this. I know it exists in the American Bar Association, many of whose meetings I have attended, and I know, that under all circumstances, nothing of that kind has ever been done; it has always been omitted. I was on the Committee which framed the Constitution of this body, and we felt that that was a very proper precedent to follow; it has never been done, as I have said, and although I should be very glad indeed to tender my personal appreciation to Mr. Niles, I don't think that we ought to depart from that precedent; and I think if we have adopted a rule that we should stick to it.

The President: That is a rule of this Association, Mr. Whitelock, except in regard to invited guests.

Mr. Whitelock: Well, if that be true, of course I withdraw my remarks and cheerfully second the motion.

The President: That was done in the case of Mr. Carson of Philadelphia, and other gentlemen from

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afar, who have kindly addressed the Association. Gentlemen, you have heard the resolution calling for a rising vote of thanks to Mr. Niles, and I will now put the motion.

The motion was put, and carried unanimously.

The President: The Association therefore extends a unanimous vote of thanks to Mr. Niles for his very able paper. Is there any further business this morning?

Mr. Bernard: I should like to call attention to the members to the effect that they have not secured their banquet tickets and it is almost imperative that they should do so at once.

The President: If there is no further business we will now take a recess until this afternoon.

Whereupon the Association adjourned until three o'clock.

AFTERNOON SESSION.

The President: Gentlemen, you will please come to order. The Chair will now announce the appointment of the following Delegates of the Maryland State Bar Association to the American Bar Association, which meets on the 19th of August, at Denver, Colorado: Thomas H. Robinson, Alfred S. Niles and Clayton Purnell.

The order of business for the afternoon is the reading of the paper of Mr. Armstrong of Washington County, and I now have pleasure in introducing Mr. Armstrong.

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Mr. Armstrong: Mr. President, and brother members of the Bar Association of Maryland, there is one thing that seems to have followed me all through, and it just fell from the lips of the President, and that is, I have been trying to get rid of one word in my speech; that is the word "Association." I think it was Davy Crockett who said "be sure you are right, then go ahead." And in some way or other, either in my dictation or in the reproduction of it I sent down to the Secretary, the subject as to the propriety of establishing a Permanent Law Reform Association; it should have been a Permanent Law Reform Commission, which I think at once suggests a very different proposition. We have in this body, I think, a Permanent Law Reform Association, in this Bar Association of Maryland. I think one of the animating purposes is Law Reform, and we have a Committee appointed to that end, but in this paper I propose to talk about a Commission which is a more concrete body and as we will find later on in this paper, has a more metallic ring about it, has something in it that will evoke work. This morning I was exceedingly gratified at the paper which was read by my brother Owens, of Annapolis. He opened up a very broad swath for me and really it was almost a preamble to my paper; that is to say, my paper may be said to be the resolution after his preamble. We have had no collusion about the matter, I am sure, because I had never met Mr. Owens until this morning, but his paper opened up a broad subject. All these reforms that were suggested at length by him, and the question is now

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whether they can be reached in any way, and whether they are to be done through this Association, or as I believe best done by the Law Reform Commission, which I propose in this paper. It is intended to be a practical idea, and I think will fill a public necessity growing out of the condition of things in our legislative body. My brother Owens stole a little of my thunder, not very much, and I will pardon him for that; there was so much in his paper that helped me along, that I make no point about that.

THE PROPRIETY OF ESTABLISHING A PERMANENT LAW REFORM COMMISSION FOR THE STATE OF MARYLAND.

I propose the establishment for the State of Maryland of a Permanent Law Reform Commission, to be appointed by the Governor, to serve for a term of four years or until their successors are chosen; the Commission to be composed of three capable lawyers whose duty it shall be to revise the Public General Laws; to propose to the General Assembly such changes in the law as may be deemed by them conducive to the public welfare, and to canvass carefully all amendments of the law which may be submitted to the General Assembly, and to review and recommend for or against the adoption of said amendments. In this paper I desire to submit some views which have occurred to me in regard to the advisability of creating such a Commission.

Introductorily, I think it is proper that I should refer to some matters which might, at first consideration, seem to stand in the way of the organization of such a Commission. It may be said that the Constitution of the State has indicated how laws shall be enacted and that the Commission proposed is superfluous. It would be idle for me to suggest that this

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Commission could disturb the methods pointed out by the Constitution for the passage of laws. I understand the machinery of legislation and the selection of committees by each body of the General Assembly to consider and report upon general legislation. The Commission would be wholly advisory in its character and instead of being an obstruction to the action of the Judiciary Committees of the House and Senate, would be a substantial aid to its members in reaching safe conclusions in regard to improvements in the Public General Laws or any changes or amendments thereof.

In the final analysis of legislation it comes to the yea and nay vote of each House of the Assembly and either House might see fit to over-ride in any case the recommendations of the Commission.

Nor have I forgotten that the Constitution has created the office of Attorney-General, and that in Section 3 of Article V of the Constitution there is this clause: "He (the Attorney-General) shall give his opinion, in writing, whenever required by the General Assembly or either branch thereof, the Governor, the Comptroller, the Treasurer or any State's Attorney on anv legal matter or subject depending before them or either of them." This is a very proper provision and would not be affected in any way by the Commission, nor is it within the scope of its purposes, as will hereinafter appear. It was never intended that the Attorney-General should devise legislation or should pass upon any law coming before the General Assembly for enactment, but only in cases of exigency to inform the minds of the public functionaries named by the Constitution in the aforegoing clause.

There is another thing which embarrasses me not a little. Should I have occasion to refer to the make-up of our Legislatures and the character of some of the legislation which has been enacted, I hope there will be no hard feelings with any who may have participated in such legislation or been a member of the General Assembly at any time. I wish to say that in any strictures that are made by me, if any, I include myself, having been at one time a member of the legislative body and

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from that fact I have come to know that due apologies ought to be made for every representative because he cannot always do what he would, and must often accept that which he would not. It is a question of doing the best you can.

Anyone who fetches the compass of public events will agree that while a General Assembly, in theory, is a law-making body, in modern experience it has become more and more a devotee of politics.

From the political standpoint, in large part, it is a Senator-making body, being more concerned about who shall be chosen to the office of United States Senator than to the main purpose for which it has been heretofore chosen. In selecting a candidate for legislative office it is no longer a question as to what man, by reason of his experience and wisdom, will best formulate legislation for the good of the people, but what man, by any combination of circumstances, will be able to "win out" before the people, and whom will he vote for for Senator if he is elected. I file as exhibits the State of Pennsylvania, the State of Montana, and pre-eminently the State of Delaware, and I excerpt this passage from one of the editorials of the Baltimore *Evening News*, of the present month, in relation to the meeting of our next General Assembly:

> The most important business which is expected to come before the next General Assembly will be the election of a United States Senator, and it is inevitable, therefore, that State Senators and Members of the House of Delegates will be selected largely with regard to their views on this matter.

Under our Constitution the General Assembly is limited to a session of ninety days. It is well understood that legislation does not get under way for thirty days, the first month of the session being taken up in the selection of officers, the formation of committees and generally "getting ready for work." Then if the following sixty days are to be taken up in large part with political doings, the election of officers in joint assembly, as provided by the Constitution, or caucuses, "of log-rolling and pipe-laying," of the consideration of measures to "make the party solid," and of promoting the

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political ambitions of the members, there certainly is little time left for the consideration of the improvement and amendment of the general laws.

What are we to say of the closing days of the session, and the hurly-burly incident thereto? The procession of measures passing through both Houses, a time when each member is anxious about the passage of his own particular scheme, and quite unconcerned about the schemes of his fellow-members. It will then be found that there is a great deal of comity all around. The mill, as it has been properly styled, is now grinding, and there is no winnowing process.

The ninety-day limit has expired; the Legislature has adjourned, and the public gives a sigh of relief. What shall the harvest be? The newspapers give us columns of Acts that have been passed by both Houses, but nobody knows fully what has been done. The Governor is examining the bills "hunting for snakes" with his "veto" up his sleeve. The legal profession is anxious and expectant, waiting for the "laws to come out." During this period wouldn't we all feel in an easier frame of mind if we knew the Reform Commission was noting the passing bills wherever they related to the public general laws? Wouldn't we feel safer in the storm if we knew we had a pilot at the helm?

The people are the sufferers from ill-advised legislation. If a vicious law is enacted it must remain on the statute book for at least two years before it can be repealed; but, more serious than that, when a bad law is once enacted it is almost impossible to get it repealed at all.

Perhaps I cannot find a better text for the purpose of this paper in showing how ill-considered legislation is enacted, and how difficult it is to get rid of, than by referring in detail to Chapter 120 of the Acts of 1896, particularly to those sections relating to the taxation of mortgages. I am not discussing the general policy of the Mortgage Tax Law. That would certainly put my hearers to sleep, but I am dealing with its legal features. I recall what a struggle there was over the passage of this Act, and how, up to the last moment,

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it was uncertain whether the law would be passed or not and in what form, but reviewing these sections one is filled with amazement that any such law could be put upon the statute book of any State, and that after two sessions of the General Assembly have passed, these affidavit features have been still retained. They have been modified, it is true, and we are indebted to the President of this Association for such modifications as have been accorded to us by the grace of the General Assembly of Maryland.

The involutions and entanglements which have sprung from the enactment of this Act are worthy of full review. At first, the Act of 1896 demanded that the oath should be taken upon the Holy Evangely of Almighty God. The effect of this was to prohibit a certain class of people, and none better than they in the State, in finding investments at home for their money and forcing them to go out of the State to secure loans. Lender and borrower come together in the old-fashioned way to arrange a loan, when the former is called upon to take an oath upon the Book, which he deems in violation of his conscience, and the loan fails, thereby imposing vexation and loss upon both parties. This feature of the law seemed to strike the legislative mind as being somewhat objectionable. It stood for two years, when there was passed Chapter 501 of the Acts of 1898, which provided that the oath might be by way of affirmation, in these words: "Do solemnly and truly declare and affirm." This amendment of the Revenue Act was approved on April 9th, 1898; another General Act dealing with the form of oaths to be administered in all cases, was passed and approved on March 12th, 1898. This earlier Act prescribed a form of a judicial oath which is the one now recognized and used in these words: "In the presence of Almighty God I do solemnly promise and declare." Now which Act was to control the nature and form of the oath which was to be used in the creation and transfer of mortgages? The General Act or the Special Act? At once the profession in our county was called upon to advise, and after grave deliberation, not willing to take any chances in the

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matter, we evolved the following, which we thought would cover the designs of the Legislature. It was put in printed form and is now in general use:

ACT 1898, CHAPTERS 275 AND 501.

State of Maryland, Washington County, to wit:

I hereby certify, that on this.....day of .....A. D. 190.., before me, a Justice of the Peace of the State of Maryland in and for Washington County, personally appeared.....assignee of the foregoing mortgage, and made oath on the Holy Evangel of Almighty God and did solemnly and truly declare and affirm, and in the presence of Almighty God, did solemnly promise or declare and also made oath in due form of law, that he has not required the mortgagor , his agent or attorney, or any person for the said mortgagor, to pay the tax levied upon the interest covenanted or warranted to be paid, in advance, nor will he require the same to be paid by the mortgagor or any person for him during the existence of this mortgage.

.....J. P.

All oaths have come to look alike to us.

In another phase of this Act there are some fine points which I submit for your resolution. The original Act empowered the agent of the mortgagee to take the affidavit, but did not so authorize an agent of an assignee of a mortgage; the language of the Act being "the party to whom it is assigned shall take the oath in this section prescribed." This was a plain inconsistency, and at the following Session of 1898 were passed Chapters 275 and 501. By the former it was provided that the agent of the assignee could make the affidavit; by the latter, dealing with the form of the oath, the assignee alone was authorized to take it, not changing the terms of the original Act. The Acts were *in pari materia;* indeed, were amendatory of the same section. As they appear in the Supplement to the Code, the former is section 146-D and the latter 146-D-1. They were approved on the same day, April 9th. The codifier evidently treated Chapter 501 as amendatory of Chapter 275 and therefore the later law on the subject. As the failure to make the affidavit in the proper form and by

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the proper party involves the forfeiture of the mortgage debt, it becomes important to know whether or not the agent of the assignee can now make the tax affidavit, or whether it must be done as heretofore by the assignee. Since coming to Deer Park, indeed just this morning, I learn that one of these Acts was repealed at the session of 1900, and we are indebted to the President of the Association for this relief.

It is now settled by rulings of the courts that no bank, savings institution, building association or corporation upon a stock basis is amenable to the income tax. While the tax in such cases can no longer be demanded by the State of the lender, and obviously, therefore, not by the lender from the borrower, the affidavit must still be taken or the lender risk the penalty of losing his entire mortgage debt. This is first-class opera bouffe.

> "When first we practice to deceive,
> O! what a tangled web we weave."

This Revenue Act has been in force since 1896, and what do we find? We go to the Land Records of the county and through them we find pasted everywhere, leaflets which serve to deface the record, and when we reflect we realize that each one of these slips means the coming together of three men to accomplish a simple business transaction. There has been nothing like it since "War Times," when the test oaths were applied to gentlemen of doubtful political proclivities, when they were regaled with the spectacle of two contending armies, one clad in gray and the other in blue, drawn up for immediate conflict and the affiant asked to state on oath which one of the forces he wished to prevail in the fight.

Maryland occupies the unique position of being the only State in the Union, at least so far as I can learn, which passed a law creating an offence, and then by the same Act required the citizen to take an oath that he will be guilty of the commission of it. A man is not sworn that he will not commit murder or arson or robbery. These crimes are apparently too unimportant, but he is sworn that he will not make another

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man pay taxes for which he, the affiant, is responsible. The penalty is practically that the mortgagee may incur the forfeiture of the whole mortgage debt. It seems that this ought to be sufficient to awaken the conscience of the lender, but, of course, there could have been other penalties—a moderate term in the penitentiary or the house of correction could have been supplemented.

The whole affidavit feature, in my opinion, is transparent tom-foolery, and ought to be wiped out of the statute book in its entirety. It is a reflection on the intelligence of the people of this State. It is retrogade legislation of the worst character and we ought to redeem ourselves, as early as possible, from ever having passed it.

It may be said: "This is all true, but where does your Commission come in?" I reply: "To restrain just such improvident legislation." The Revenue Act was passed just as it came out of the Committee. Without regard to the policy or impolicy of it; if there had been a Commission such as I propose in this paper, in my judgment, such an Act in its legal features never would have been reported to the General Assembly nor could it have passed through either House.

There are numerous laws in the Code that ought to be gotten rid of and the volume of laws reduced. How is this to be done, if it is ever done, under existing conditions? In a hap-hazard fashion, just as some lawyer discovers the impropriety of a law and recommends its repeal, if he can then hope to have the General Assembly adopt his idea? The Commission would be in the nature of a "continuous performance." If any lawyer would discover a law that ought to be changed or repealed, he need not put it in the lining of his hat until the next meeting of the Legislature, but at once bring it to the attention of the Commission and their report upon any proposed change of the law would be far more authoritative than if it came to the Assembly through the motion of any single attorney.

Some of these laws that I refer to are effete. If there was ever a good purpose in enacting them that has been entirely

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forgotten. Let me give you a sample of this kind. Sections 16, 17 and 18 of Article LXVI of the Code, set forth three cases which are therein enumerated which makes so clear a departure from the established practice of the Chancery Court in regard to the granting of injunctions, that it is inexplicable, except as an instance of case-legislation. One of these departures is that the plaintiff is to give bond, "with at least two good securities" before the writ can issue. Does this mean that the Fidelity and Deposit Company of Maryland, would not be good enough to stand bond in an injunction case, no matter how small the penalty, in any of the cases governed by the Act? It would certainly be a startling announcement to Mr. Warfield. It is the law, unless it has been repealed, by implication, and I do not know how that could be. Originally passed in 1825 it was applicable to Baltimore City and Baltimore County, and not to the State of Maryland at large until 1860, when it was incorporated into the Code.

Then, some of these laws are positively bad, and were surely passed for a harmful purpose. I cite Section 78 of Article XXI of the Code, which is a codification of Chapter 451 of the Act of 1872, which provides that a foreign executor may sell real estate in this State without more than the production of a duly authenticated copy of the last will under which he is acting, and the filing of the same for record in the office of the Register of Wills. This Act is entombed under the title "Conveyances." No human being would look for it there. Its proper place would seem to be under the title "Foreign Executors," which is a sub-head of the Article "Testamentary Law." The Act means this—that a foreign executor can come into Maryland, produce a copy of his will, and of his grant of letters, sell lands in this State, make no report of sale to the Orphans' Court, take the purchase money, and go out of the jurisdiction. If there is a Maryland creditor, he must follow the executor over the Potomac or across Mason and Dixon's Line, and make his money there, if he can. The purchaser at such an executor's sale, finding defects in the title, is driven to file his objections before a foreign tribunal. It

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certainly is startling that a foreign executor can come into Maryland and sell one thousand acres of land without giving bond, reporting his sale or making an accounting for the protection of Maryland creditors, and yet, the same executor could not sell in this State a mule without the authority of the Orphans' Court and fulfilling all the requirements above set forth.

What we want is not so many laws; rather as few laws as possible, and more stability in them. The profession will remember that for many years there never was a Session of the General Assembly that the Evidence Act was not changed and amended, and we had to learn and unlearn every two years. After this came Amendments to the Law of Husband and Wife. That subject seemed to be legitimate game for every legislative marksman. A carefully considered statute, covering the whole subject matter once and for all, is what is wanted, and then enacted into a law to remain. Up to this time any efforts at reform legislation have been sporadic, the inspiration of an individual or a number of individuals, and it was thus we secured at the last Session a very desirable law—"The Negotiable Instruments' Act." Better sporadic efforts for reform than no efforts at all. Better still, however, to make changes in the law with deliberation and forethought, and having made the changes, adhere to them. This idea dominates largely in the constitution of this Commission, that whatever it does will be carefully done and done in such a way that it would not have to be disturbed every two years. A systematic plan is proposed by which good legislation will be promoted and bad legislation averted—good legislation preserved and bad legislation steadily diminished.

And how much less of "Statutory Construction" there would be—that prolific head in the indexes of our Court of Appeals Reports. The Legislature, then the courts. First the statute, then the construction of it. Laws carefully worded, properly punctuated and clearly expressed, are what the people want and what they are entitled to have and what they would get from the Law Reform Commission.

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No such Assessment Act as that passed in 1874, which exempted all property from taxation except churches and grave-yards, and taxing them alone; in regard to which Act Chief Judge Bartol made this comment: "Either from haste or inadvertence in its preparation or carelessness in its engrossment it is full of imperfections; some of the sections being incomplete, some of them unintelligible, and many of its provisions contradictory with one another." (Maxwell *vs.* Baldwin, 40 Md. 273). And no such Act as Chapter 697 of the Acts of 1900, providing "in case said claimant shall fail to establish his claim the said property shall be discharged from the levy and surrendered to such claimant."

This Commission, as I have said, should be a permanent one, and in using that word I mean two things; first, to distinguish it from a special commission to revise the whole body of the law or any particular branch of it, as has been done from time to time in England by Act of Parliament, and, because I think that in its permanency lies largely its true value and importance. There will be no end to the revision of law as long as time shall last and impose new conditions on humanity and inspire with new ideals.

This Commission, too, should be in touch with the reform legislation enacted in the different States of the Union, and particularly with that National Association which is seeking to promote uniformity in the laws of the several States, a most judicious effort, certainly, in the cause of legislative reform.

The Commission, in my judgment, should be a paid one—no modern machine runs smoothly without lubrication—and out of "any unexpended balance in the treasury," as reads every appropriation bill, there should be paid—what shall I say—three thousand dollars a year to the members of this Commission? Is three thousand dollars too much to pay out annually for the sake of heading off hasty and harmful legislation or of promoting the passage of those laws which would conduce to the welfare of the people? I think the people would be willing to stand it. I read in the *Sun* that the application for aid made to the Board of State Aid and Charities

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for the next ensuing two years, is one million eight hundred and forty-six thousand eight hundred and forty dollars. Six thousand dollars added to that amount would not make it much more serious to the tax-payers. A Session of the General Assembly costs, as I recall, about one hundred and fifty thousand dollars. Six thousand dollars would not be adding much for a balance wheel to control general legislation.

The members of the Commission, or a majority of them, should attend the Session of the General Assembly to respond to any calls made upon them upon matters within the scope of the duties laid upon them as hereinbefore defined.

At the close of each Session of the General Assembly, for the benefit of the profession and of the people of the State, I would have the Commission, at the earliest practicable time, (and I think that would be within ten days after adjournment) prepare a *resume* of any changes and modifications of the law and have the same published. Your Committee on Judicial Administration in its last report, made very proper criticism on the evil of having Acts take effect from date of passage, instead of having them go into effect on June 1st, and also as to the delay in publishing the laws. The evils pointed out in this respect would be relieved by the report of the Commission given to the public, through the daily press, shortly after the adjournment of the Assembly.

A pertinent question might now be asked, what are you going to do with the Committee on Judicial Administration and Legal Reform, which is the adjunct of this Bar Association? I would say continue it and make it co-operative with the Reform Commission. The Committee is the mouthpiece of this Association to the General Assembly and, I believe, could best find its expression through the Commission composed of lawyers who would be in sympathy with their reform ideas. As outlined in this paper the functions of this Commission are much broader and fuller than those that are laid upon the Committee. The Committee is appointed every year and has its *personnel* changed every year. Its members are scattered over the State and it never meets, as I under-

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stand it it, except when there is a banquet in sight, as upon this occasion. Still I am not captious. If this Committee will assume the program of duties set forth for the Commissioon I yield my hearty acquiescence, or if any member of of this Association will propose a scheme that will be more effective to stay the evils which are arising from careless and hasty legislation and which are so serious in their consequences to the public, I will readily substitute that scheme for the Law Reform Commission.

I am "no prophet nor the son a prophet," but I am impressed with the belief that if this Commission were created thus, to address itself to the promotion of good laws and the repealing of those that are objectionable in their operation or which have become useless by reason of new conditions, that in a few years the laws of this State would be simplified and reduced in volume and would present such a Code of Law as would compare favorably with the most enlightened legislation of any commonwealth in the Union, conferring a blessing on the legal profession and upon the people of the State.

The President: Is there any further business before the Association?

Mr. Talbott: I move that the paper of Mr. Armstrong be referred to the Judicial Committee.

A Member: I second the motion.

The motion was then put, and carried unanimously.

Mr. Owens: Mr. President, it has been requested, after reading the paper and making the suggestions this morning, that I should offer the following resolution:

Resolved, That the appropriate Committee of this Association be requested to take up for consideration the matter of titles to real estate by devise or intestate inheritance, and prepare a bill

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for introduction in the next General Assembly looking to the proper record of muniments of title to such real estate in the respective land record offices of this State.

The President: Before putting the question involved in this resolution, the Chair desires to call the attention of the Association to this Article of the Constitution, Article XVIII.

The Chair then read as follows:

No action of this Association, of a permanent nature or recommending changes in the Law or the administration of justice, shall be had until the subject matter thereof shall have been reported upon by the appropriate Committee to which the same shall have been referred, unless this regulation shall be suspended by a two-thirds vote of the members voting thereon.

The Chair understands from this provision of the Constitution that it will take a two-thirds vote to pass this resolution, inasmuch as it instructs this Committee to prepare the bill and present it to the General Assembly, before final action can be taken on it.

Mr. Talbott: I would like to get the report of the Committee on that resolution as well as on the resolution introduced by me this morning; I should have gone farther with it this morning, but for the fact that I saw the Association was desirous of adjourning. I move now that the resolution introduced by me this morning and the resolution of Mr. Owens be referred immediately to the Committee on Judicial Reforms with the request, if they can properly do so, that they will report this back at once for the action of this Association. I do that for this reason; the Session of 1902 will have passed before this Association will have had the opportunity of voting

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on the proposition or getting any recommendation from the Committee unless it is done at once. I don't think it will require much action; they are either good ones or bad ones on their face, and I therefore ask that the Committee be requested to act on them at once.

The President: Mr. Robinson and Mr. Henderson, I think, are the only members of that Committee present. You have heard the resolution offered by Mr. Talbott, which is that his resolution of this morning and that of Mr. Owens, be referred to the Committee on Judicial Administration and Legal Reform, with the request that they report at once. The Chair understands that it is necessary to have a two-thirds vote to pass this resolution. All in favor of the resolution will please rise so that the Secretary can count them.

Mr. Talbott: To pass the motion or the resolution as it is brought back?

The President: I understand, to pass the motion, because it contemplates then final action and that prescribed by the Constitution.

Mr. Talbott: You mean to report to-day?

The President: I should think it would be necessary to report to-day, because in a few moments, unless there is other business, the Association will adjourn until next year.

Judge McSherry: What was the subject of Mr. Talbott's resolution?

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The President: It was kindred to Mr. Owens' in reference to heirs at law and intestates in the Orphans' Court.

Mr. Owens: The object of my resolution is to have the Legislative Committee act. I believe there is such a Committee?

The President: Yes, sir.

Mr. Owens: To prepare a bill for the Legislature and instruct them. If it is necessary that a two-thirds vote should be taken for that purpose, for the purpose of having them act on it, why then your motion whether or not they are in favor of that would be satisfactory, because the report of that resolution by that Committee would be practically in the shape of a bill, and it would be an instruction here that they should draw the bill. I do not see, as far as my resolution is concerned, any necessity for the report now, and the only thing to be done upon that is to see whether or not it should be so referred under the rules that you speak of there, and the Constitution.

Mr. Wirt: I think that both these resolutions should be referred to this Committee and let them report at the next meeting of the Association. Do not require impossible things of us. This motion requires a Committee, of which a minority is present, to report at once, and we will probably adjourn in a few minutes and I think we ought to make haste slowly, and this Association ought not to recommend any changes in legislation, however obvious may be

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the necessity for them, until they have been deliberately considered by the Legislative Committee and offered as the results of our mature judgment, and I think that you may let these resolutions go to the Committee and let them report at the next meeting.

Mr. Talbott: In view of the facts that there are only two members of the Committee present, I shall not press that motion. I think it is best that no law should emanate from this Association or the Legislative Committee without having the theory of it, at least, approved by the Association in full, and in view of the fact that there are but two members of the Committee present, I shall not insist on my motion.

Mr. Owens: I will say in view of the fact that the report of that Committee will not be until our Annual Meeting next year, and it will put off legislation on it until 1904, and it is not for the purpose of having them make any report upon it, but I should think, that under this two-thirds rule here upon the subject, that we might direct them to prepare a bill for the purpose. However, if the Association cannot take it up in that way, I will prepare the bill myself and I will see that it will pass at the next Session of the Legislature.

The President: Mr. Talbott having withdrawn his resolution, the pending resolution is that of Mr. Owens. Do I understand you correctly?

Mr. Talbott: Well, I should not withdraw it, but I did not understand whether the Association wanted to take it up now.

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The President: Well, I understood you so to say.

Mr. Talbott: If the Association has any desire to take that question up immediately, of course it is in their hands.

The President: I would announce that the resolution, Mr. Talbott's resolution, was that there was a Committee to be appointed; the resolution referred to now, is practically a reconsideration of that, and refers it to the existing Committee.

Mr. Talbott: Well, I do not press it; I have no interest one way or the other. I withdraw it and if the remaining members of the Association think it worth while to take it up, they can do so.

The President: The question refers then to the resolution offered by Mr. Owens, which is a reference of this matter to the existing Committee on Judicial Administration and Legal Reform, for the purpose of having a bill introduced into the next General Assembly. The Chair has announced that this will require a two-thirds vote. All those in favor will please rise.

Mr. Henderson: The existing Committee will be out of office in a very short time.

Judge McSherry: As soon as we adjourn it will have to go to a new Committee.

Mr. Simmons: Change the existing Committee to the Committee to be appointed?

The President: And refer it to the proper Committee. Of course the reference will be then to a Committee to be appointed.

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Mr. Talbott: I do not see how we will reach any conclusion under that; if it is referred to the proper Committee, which I presume would be a Committee appointed at the conclusion of this session, that Committee could not report to this Association; that Committee will have no authority to bring a bill in and have it introduced into the Legislature without the assent and approval of this Association itself.

The President: You can give it that authority by a two-thirds vote, if you approve of it; the Chair understands that it can be given that authority by a two-thirds vote.

Judge Briscoe: Mr. Owens suggested that he would have the bill passed himself, so that if he will accept the amendment I will move that the resolution be referred to him to have the bill passed.

A Member: I second the motion.

Mr. Owens: I will accept that and I will draw the bill and have it passed.

Mr. Broening: The question on the reference.

The President: The question is on the adoption of the resolution of Mr. Owens. All in favor will please rise and the Secretary will please count those voting in favor.

The President: (After the counting of the votes.) The resolution is lost. Is there any further business before the Association?

Judge McSherry: I move we adjourn.

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Mr. Talbott: There is one thing that I would like to suggest; it is not in the nature of a resolution, but rather a suggestion, that was made to me last evening by Mr. Ferdinand Williams. I understand that the time and place of holding the next meeting is entirely in the hands of the Executive Council. Nevertheless, the suggestion of Mr. Williams was this; that the next Association meeting take place on the Chesapeake Bay boats, one of the bay steamers, and that we start from Baltimore in the morning.

Judge McSherry: That is entirely out of order; under the Constitution all that is in the hands of the Executive Council.

The President: The Chair rules the point as well taken.

Mr. Sincell: Before we adjourn, I just wish to say this, that our drive to-morrow morning will start from the hotel here at ten o'clock; I make this announcement so that the members will understand it, and that they can get back to the hotel about two; to be gone about four hours.

Judge McSherry: I renew the motion to adjourn.

The President: It has been moved, and seconded, that we now adjourn.

The motion on being put, was carried unanimously, and the Association adjourned.

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JOHN THOMSON MASON, R.

John Thomson Mason, R., one of the earliest members of this Association and a prominent lawyer of Baltimore City, died on June 21st, 1901. Mr. Mason was the son of Major Isaac S. Rowland, an officer of the United States Volunteers during the war with Mexico, and was born in Detroit, Mich., March 9th, 1844. His mother was the daughter of John Thomson Mason of Loudon County, Virginia, and the sister of Stevens Thomson Mason, the first Governor of Michigan. Mr. Mason's mother returned to Virginia after the death of her husband, and, at the request of her father, the boy's name was changed by an Act of the Virginia Legislature to John Thomson Mason, while his father's name of Rowland was indicated by the capital letter, R., following the name. At the outbreak of the civil war, young Mason, at the age of sixteen, served for a time in the 17th Virginia Regiment, and afterwards became a midshipman on the Confederate States Steamship "Shenandoah," where he saw varied service during the long cruises of that vessel as a commerce destroyer. The "Shenandoah" was in the North Pacific Ocean when the war ended and was navigated by its officers to Liverpool, months after General Lee's surrender.

Upon returning to America, Mr. Mason studied law at the University of Virginia and came to Baltimore in 1871, where he was admitted to the Bar and continued to reside and practice until his death. Mr. Mason was a lawyer of decided ability, well-grounded in the principles of his profession and skillful in their application to practical affairs. He was a safe counselor as well as an efficient trial lawyer and soon acquired and retained a valuable clientage. Throughout his career his

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personal integrity and professional honor were conspicuously such as are demanded by the highest standards. He was a man unusually attractive in his personality, an interesting talker, unfailing in courtesy and possessing great charm of manner. He was one of the leading laymen in the Protestant Episcopal Church and a member of numerous social organizations.

Mr. Mason's death was caused by heart disease, from which he was a sufferer for the last two years. He is survived by his widow, the daughter of Alonzo C. Jackson of the United States Navy, and by two sons and two daughters.

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FORMER PRESIDENTS.

JAMES McSHERRY,
Frederick.

ROBERT RANDOLPH HENDERSON,
Cumberland.

JOHN PRENTISS POE,
Baltimore.

HENRY PAGE,
Princess Anne.

STEVENSON A. WILLIAMS,
Bel Air.

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Officers and Standing Committees,

FOR 1901-1902.

OFFICERS.

PRESIDENT:

JOHN S. WIRT,
Elkton.

VICE-PRESIDENTS:

First Judicial Circuit,	THOMAS W. SIMMONS, *Cambridge.*
Second Judicial Circuit,	JAMES A. PEARCE, *Chestertown.*
Third Judicial Circuit,	J. EDWIN WEBSTER, *Bel Air.*
Fourth Judicial Circuit,	CLAYTON PURNELL, *Frostburg.*
Fifth Judicial Circuit,	JAMES REVELL, *Annapolis.*
Sixth Judicial Circuit,	HAMMOND URNER, *Frederick.*
Seventh Judicial Circuit,	B. HARRIS CAMALIER, *Leonardtown.*
Eighth Judicial Circuit,	RICHARD BERNARD, *Baltimore.*
Eighth Judicial Circuit,	MARTIN LEHMAYER, *Baltimore.*

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SECRETARY:

CONWAY W. SAMS,

31 Bank of Baltimore Building, Baltimore.

TREASURER:

FRANK G. TURNER,

3 East Lexington Street, Baltimore.

EXECUTIVE COUNCIL:

BENJAMIN A. RICHMOND,	*Cumberland.*
GEORGE WHITELOCK,	*Baltimore.*
THOMAS H. ROBINSON,	*Bel Air.*
J. HENRY BAKER,	*Baltimore.*

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COMMITTEES.

COMMITTEE ON LEGAL BIOGRAPHY:

N. CHARLES BURKE, *Chairman*, Towson,	Third Circuit.
HENRY J. WATERS, Princess Anne,	First Circuit.
J. H. C. LEGG, Centreville,	Second Circuit.
GILMOR S. HAMILL, Oakland,	Fourth Circuit.
ELIHU S. RILEY, Annapolis,	Fifth Circuit.
WILLIAM H. TALBOTT, Rockville,	Sixth Circuit.
L. ALLISON WILMER, La Plata,	Seventh Circuit.
HENRY D. HARLAN, Baltimore,	Eighth Circuit.
GEORGE WEEMS WILLIAMS, Baltimore,	Eighth Circuit.

COMMITTEE ON JUDICIAL ADMINISTRATION AND LEGAL REFORM:

STEVENSON A. WILLIAMS, *Chm'n*, Bel Air,	Third Circuit.
HENRY PAGE, Princess Anne,	First Circuit.
JAMES A. PEARCE, Chestertown,	Second Circuit.
W. C. DEVECMON, Cumberland,	Fourth Circuit.
CHARLES E. FINK, Westminster,	Fifth Circuit.
HATTERSLY W. TALBOTT, Rockville,	Sixth Circuit.
JOHN H. MITCHELL, La Plata,	Seventh Circuit.
JOSEPH C. FRANCE, Baltimore,	Eighth Circuit.
ARTHUR GEORGE BROWN, Baltimore,	Eighth Circuit.

COMMITTEE ON ADMISSIONS:

J. AUGUSTINE MASON, *Chm'n*, Hagerst'n,	Fourth Circuit.
JAMES E. ELLEGOOD, Salisbury,	First Circuit.
WILLIAM R. MARTIN, Easton,	Second Circuit.
WILLARD G. ROUSE, Bel Air,	Third Circuit.
JAMES M. MUNROE, Annapolis,	Fifth Circuit.
J. ROGER MCSHERRY, Frederick,	Sixth Circuit.
FREDERICK SASSCER, Upper Marlboro,	Seventh Circuit.
WALTER I. DAWKINS, Baltimore,	Eighth Circuit.
ALONZO L. MILES, Baltimore,	Eighth Circuit.

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COMMITTEE ON GRIEVANCES.

CHARLES W. HEUISLER, *Chm'n*, Balto.,	Eighth Circuit.
W. H. BAYLESS, Baltimore,	Eighth Circuit.
WILLIAM S. EVANS, Elkton,	Second Circuit.
GEORGE Y. MAYNADIER, Bel Air,	Third Circuit.
CLAYTON PURNELL, Frostburg,	Fourth Circuit.
JOHN G. ROGERS, Ellicott City,	Fifth Circuit.
EDWARD S. EICHELBERGER, Frederick,	Sixth Circuit.
PHILIP W. CHEW, Upper Marlboro,	Seventh Circuit.
CHARLES F. HOLLAND, Snow Hill,	First Circuit.

COMMITTEE ON LEGAL EDUCATION:

BENJ. A. RICHMOND, *Chm'n*, Cumberland,	Fourth Circuit.
JOHN P. POE, Baltimore,	Eighth Circuit.
GEORGE R. GAITHER, JR., Baltimore,	Eighth Circuit.
PH. LEE GOLDSBOROUGH, Cambridge,	First Circuit.
WILLIAM H. DEWEESE, Denton,	Second Circuit.
FRANK I. DUNCAN, Towson,	Third Circuit.
JAMES M. MUNROE, Annapolis,	Fifth Circuit.
HAMMOND URNER, Frederick,	Sixth Circuit.
JOHN P. BRISCOE, Prince Frederick,	Seventh Circuit.

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LIST OF MEMBERS.

Adkins, W. H.	Easton,	1896
Ambler, James M.	207 N. Calvert st., Baltimore,	1897
Applegarth, Rufus W.	10 E. Lexington st., Baltimore,	1897
Armstrong, Alexander	Hagerstown,	1896
Baer, Thomas S.	818 Equitable Building, Baltimore,	1897
Baetjer, E. J.	205 E. German st., Baltimore,	1898
Baker, J. Henry	10 E. Lexington st., Baltimore,	1899
Baker, O. Parker	232 St. Paul st., Baltimore,	1901
Barnes, Adlai P.	Snow Hill,	1896
Barnes, P. C.	Cumberland,	1901
Barroll, Hope H.	Chestertown,	1896
Bayless, W. H.	Daily Record Building, Baltimore,	1897
Beck, William W.	Chestertown,	1897
Bernard, Alfred D.	1 E. Lexington st., Baltimore,	1897
Bernard, Richard	1 E. Lexington st., Baltimore,	1897
Bernei, Louis B.	915 Equitable Building, Baltimore,	1897
Biddison, John S.	Towson,	1897
Blackistone, D. J.	Cumberland,	1896
Blake, George A.	Elkton,	1900
Boarman, R. R.	Towson,	1897
Bond, Nicholas P.	830 Equitable Building, Baltimore,	1896
Bond, J. A. C.	Westminster,	1896
Bonsal, Leigh	500 Equitable Building, Baltimore,	1897
Bouic, W. Viers, Jr.	Rockville,	1896
Bowen, Philander A., Jr.	1410 G st., N. W.,	1898
Bowers, James W., Jr.	16 E. Lexington st., Baltimore,	1901
Bowie, Washington, Jr.	Fidelity Building, Baltimore,	1900
Boyd, A. Hunter	Cumberland,	1896
Boyd, J. Cookman	16 Builders Exchange, Baltimore,	1899
Brady, A. Theodore	Annapolis,	1901
Brantly, William T.	12 St. Paul st., Baltimore,	1897
Brent, Robert F.	104 E. Lexington st., Baltimore,	1897
Brinton, Daniel L.	312 Law Building, Baltimore,	1897
Briscoe, John P.	Prince Frederick,	1896
Broening, Henry J.	230 St. Paul st., Baltimore,	1897
Brown, Arthur George	222 St. Paul st., Baltimore,	1897
Brown, Stewart	222 St. Paul st., Baltimore,	1896

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Brune, W. H.	315 Law Building, Baltimore,	1897
Bryan, William S., Jr.	Md. Telephone Bldg., Baltimore,	1898
Budnitz, Emil	20 E. Lexington st., Baltimore,	1897
Bunting, J. Briscoe	Prince Frederick,	1896
Burke, N. Charles	Towson,	1897
Burton, Robert	315 Law Building, Baltimore,	1899
Bussey, Robert H.	Towson,	1898
Camalier, B. Harris	Leonardtown,	1901
Campbell, Peter J.	20 E. Lexington st., Baltimore,	1896
Carey, Francis K.	830 Equitable Building, Baltimore,	1896
Carr, James E., Jr.	218 St. Paul st., Baltimore,	1899
Carrington, Edward C.	110 E. Lexington st., Baltimore,	1897
Chancellor, A. Bernard	11½ E. Lexington st., Baltimore,	1897
Chapman, James W., Jr.	310 Equitable Building, Baltimore,	1900
Chew, Philip W.	Upper Marlboro,	1896
Clabaugh, Harry M.	Westminster,	1896
Claude, W. Hallam	Annapolis,	1898
Cockey, Charles E.	Law Building,	1901
Cohen, Jacob I. ,	Merchants Bank Bldg., Baltimore,	1897
Collins, Oliver D.	Snow Hill,	1897
Cook, Elmer J.	Towson,	1898
Covington, George W.	Snow Hill,	1897
Covington, James H.	Easton,	1897
Crain, Robert	607 Fidelity Building, Baltimore,	1898
Cross, E. J. D.	B. & O. Central Bldg., Baltimore,	1897
Cross, Richard K.	12 St. Paul st., Baltimore,	1897
Cross, W. Irvine	B. & O. Central Bldg., Baltimore,	1897
Crothers, Austin S.	Elkton,	1898
Curley, James P.	400 Equitable Building, Baltimore,	1900
Dawkins, Walter I.	311 Fidelity Building, Baltimore,	1896
Dawson, W. H.	33 S. Gay st., Baltimore,	1897
Dennis, James U.	739 Equitable Building, Baltimore,	1901
Dennis, J. Upshur	1307 N. Calvert st., Baltimore,	1897
Denny, James W.	209 St. Paul st., Baltimore,	1897
Devecmon, W. C.	Cumberland,	1896
Deweese, William H.	Denton,	1897
Dickerson, William T.	Snow Hill,	1896
Dillehunt, Harry B.	10 E. Lexington st., Baltimore,	1899
Dobler, J. J.	Harford Road, opp. Clifton Park,	1897
Donaldson, John J.	220 St. Paul st., Baltimore,	1897
Dorsey, J. Malcolm	Ellicott City,	1900
Dorton, Frederick T.	444 Equitable Building, Baltimore,	1899
Doub, A. A.	Cumberland,	1896
Doub, Daniel W.	Hagerstown,	1896

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Duer, Robert F.	Princess Anne,	1897
Duncan, Frank I.	Towson,	1898
Eichelberger, Edward C.	114 E. Lexington st., Baltimore,	1897
Eichelberger, Edward S.	Frederick,	1896
Ellegood, James E.	Salisbury,	1896
Elliott, Thomas Ireland	400 Equitable Building, Baltimore,	1897
Evans, William S.	Elkton,	1898
Farber, Edwin J.	101 N. Charles st., Baltimore,	1898
Fauble, T. Marvin	Frederick,	1898
Fechtig, James A., Jr.	16 E. Lexington st., Baltimore,	1900
Fink, Charles E.	Westminster,	1896
Fisher, D. K. Este	744 Equitable Building, Baltimore,	1897
Fisher, T. Pliny	Denton,	1896
Fisher, William A.	744 Equitable Building, Baltimore,	1897
Forbes, George	Annapolis,	1896
Fowler, David	Towson,	1897
France, Joseph C.	Md. Telephone Bldg., Baltimore,	1897
Gaither, George R., Jr.	728 Equitable Building, Baltimore,	1899
Gans, Edgar H.	300 Equitable Building, Baltimore,	1897
Gibson, Edward Guest	511 Fidelity Building, Baltimore,	1897
Gill, N. Rufus	215 St. Paul st., Baltimore,	1899
Gill, Roger T.	215 St. Paul st., Baltimore,	1900
Goldsborough, Ph. Lee	Cambridge,	1897
Gontrum, John F.	Towson,	1897
Gordon, Robert H.	Cumberland,	1896
Gorter, James P.	224 St. Paul st., Baltimore,	1896
Gosnell, Frank	102 E. Lexington st., Baltimore,	1896
Gould, Ashley M.	Rockville,	1898
Graham, Robert P.	Salisbury,	1896
Grason, William G.	Towson,	1898
Gray, John B.	Prince Frederick,	1896
Green, Nicholas H.	Annapolis,	1899
Gregg, Maurice	14 E. Lexington st., Baltimore,	1896
Gresham, Le Roy	3 E. Lexington st., Baltimore,	1900
Griffin, E. J.	215 E. Fayette st., Baltimore,	1897
Haines, L. M.	Elkton,	1896
Hamill, Gilmor S.	Oakland,	1897
Hardcastle, Alexander, Jr.	Bank of Balto. Bldg., Baltimore,	1898
Harlan, Henry D.	9 E. Biddle st., Baltimore,	1897
Harlan, William H.	Bel Air,	1901
Harley, Charles F.	110 E. Lexington st., Baltimore,	1897
Harman, Samuel J.	8 E. Lexington st., Baltimore,	1898
Harvey, Roland B.	500 Equitable Building, Baltimore,	1900
Hawkins, G. S.	Bel Air,	1896

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Hayes, Thomas G.	944 Equitable Building, Baltimore,	1897
Henderson, Robert R.	Cumberland,	1896
Hendrickson, Finley C.	Cumberland,	1900
Henning, David N.	Westminster,	1896
Henninghausen, Percy C.	215 St. Paul st., Baltimore,	1897
Herman, Emmanuel W.	Towson,	1898
Hershey, O. F.	606 Fidelity Building, Baltimore,	1898
Herzog, Charles	110 E. Lexington st., Baltimore,	1897
Hess, Hiester	Elkton,	1901
Heuisler, Charles W.	504 Fidelity Building, Baltimore,	1897
Hill, Charles E.	3 E. Lexington st., Baltimore,	1898
Hinkley, John	215 N. Charles st., Baltimore,	1896
Hinks, William H.	Frederick,	1897
Hisky, T. Foley	215 N. Charles st., Baltimore,	1897
Hodson, Thomas S.	6 E. Lexington st., Baltimore,	1897
Hoen, Ernest J.	Hoen Building, Baltimore,	1898
Holland, Charles F.	Salisbury,	1897
Houlton, S. C.	2 E. Lexington st., Baltimore,	1897
Howard, Charles Morris	700 Equitable Building, Baltimore,	1897
Hughes, Adrian	223 St. Paul st., Baltimore,	1897
Hurst, John J.	513 Law Building, Baltimore,	1900
Hynson, R. D.	Chestertown,	1896
Jackson, Lloyd, Jr.	508 Fidelity Building, Baltimore,	1901
Johnson, Baker	Frederick,	1896
Johnson, J. Hemsley	Bank of Balto. Bldg., Baltimore,	1897
Jones, E. T.	601 Fidelity Building, Baltimore,	1897
Jones, R. D.	Snow Hill,	1897
Kealhofer, William	Hagerstown,	1897
Keating, Thomas J., Jr.	Centreville,	1896
Keedy, M. L.	Hagerstown,	1896
Kennard, Henry C.	506 Fidelity Building, Baltimore,	1899
Knapp, Charles H.	8 E. Lexington st., Baltimore,	1899
Knott, A. Leo	3 E. Lexington st., Baltimore,	1897
Lane, J. Clarence	Hagerstown,	1896
Lankford, Clarence P.	Crisfield,	1896
Lankford, H. Fillmore	Princess Anne,	1897
Lauchheimer, Sylvan H.	752 Equitable Building, Baltimore,	1899
Lee, John L. G.	B. & O. Central Bldg., Baltimore,	1897
Lee, Richard Laws	232 St. Paul st., Baltimore,	1897
Legg, J. H. C.	Centreville,	1897
Lehmayer, Martin	Herald Building, Baltimore,	1897
Leser, Oscar	2 South Street, Baltimore,	1901
Levy, William B.	501 Fidelity Building, Baltimore,	1898
Lewis, Henry R.	Denton,	1896

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Lewis, William Penn, Jr.	Builders Exchange, Baltimore,	1898
Lindsay, James J.	Towson,	1896
Little, C. A.	Hagerstown,	1896
Lloyd, Henry	Cambridge,	1897
Loweree, George E.	Laurel,	1896
Lowndes, Lloyd	Cumberland,	1897
Lowndes, Lloyd, Jr.	Cumberland,	1900
Lynch, John A.	Frederick,	1897
Macbeth, J. E.	Cumberland,	1900
Mackall, Thomas B.	222 St. Paul st., Baltimore,	1897
Mackenzie, Geo. Norbury	300 Water st., Baltimore,	1897
Mann, Harry E.	100 E. Lexington st., Baltimore,	1897
Marbury, William L.	922 Equitable Building, Baltimore,	1897
Marshall, Charles	12 St. Paul st., Baltimore,	1898
Martin, William R.	Easton,	1896
Mason, J. Augustine	Hagerstown,	1897
Maulsby, William P.	Frederick,	1896
Maynadier, George Y.	Bel Air,	1896
McCleave, Hugh R.	Cumberland,	1900
McComas, L. E.	Washington, D. C.	1897
McHenry, James A.	Cumberland,	1897
McHenry, James I.	Cumberland,	1898
McIntosh, David G.	Towson,	1998
McLane, Allan	Equitable Building, Baltimore,	1899
McLane, Robert M.	Equitable Building, Baltimore,	1899
McMaster, W. S.	Princess Anne,	1897
McMichael, Robert W.	Cumberland,	1897
McSherry, James	Frederick,	1896
McSherry, J. Roger	Frederick,	1897
Merrick, George C.	Upper Marlboro,	1899
Meyer, Lee S.	16 E. Lexington st., Baltimore,	1901
Miles, Alonzo L.	Bank of Balto. Bldg., Baltimore,	1897
Miles, Joshua W.	Princess Anne,	1897
Miller, Guion	Easton,	1901
Mister, Beverly W.	400 Equitable Building, Baltimore,	1900
Mitchell, Edwin L.	Oakland,	1901
Mitchell, John H.	La Plata,	1896
Mitchell, John T.	Oakland,	1900
Morris, John T.	215 N. Charles st., Baltimore,	1899
Morris, Thomas J.	708 Park ave., Baltimore,	1897
Morrison, George C.	542 Equitable Building, Baltimore,	1901
Morrison, Taylor	Cumberland,	1898
Motter, John C.	Frederick,	1897
Mullin, Joseph C.	609 Fidelity Building, Baltimore,	1899

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Mullin, Michael A.	609 Fidelity Building, Baltimore,	1897
Munroe, James M.	Annapolis,	1899
Neill, Alexander	Hagerstown,	1896
Niles, Alfred S.	Herald Building, Baltimore,	1897
Norwood, Frank C.	Frederick,	1897
O'Brien, William J., Jr.	804 Fidelity Building, Baltimore,	1897
Offutt, T. Scott	Towson,	1901
Owens, Fred. R.	Denton,	1897
Owens, James W.	Annapolis,	1898
Packard, Joseph	207 N. Calvert st., Baltimore,	1897
Page, Henry	Princess Anne,	1896
Parke, Francis Neal	Westminster,	1898
Parran, J. Frank	Prince Frederick,	1896
Pattison, John R.	Cambridge,	1897
Pearce, James A.	Chestertown,	1896
Pearre, George A.	Cumberland,	1898
Perkins, William H., Jr.	700 Equitable Building, Baltimore,	1900
Phelps, Charles E.	Walbrook, Baltimore,	1897
Piper, A. A.	Towson,	1898
Poe, John P.	100 E. Lexington st., Baltimore,	1896
Prettyman, Charles W.	Rockville,	1900
Purnell, Clayton	Frostburg,	1896
Putzel, Lewis	309 Law Building, Baltimore,	1901
Quigley, Charles H.	401 Law Building, Baltimore,	1899
Ralston, Jackson H.	Washington, D. C.	1896
Reese, D. Meredith	213 Courtland st., Baltimore,	1897
Reifsneider, Charles T.	Westminster,	1896
Reifsneider, Chas. T., Jr.	Westminster,	1899
Reifsneider, John Milton	Westminster,	1898
Renmoger, Julius C.	Oakland,	1901
Requardt, J. Fred.	322 Equitable Building, Baltimore,	1897
Revell, E. J. W.	503 Fidelity Building, Baltimore,	1900
Revell, James	Annapolis,	1900
Reynolds, De Warren H.	Cumberland,	1896
Richmond, Benjamin A.	Cumberland,	1896
Riggs, Lawrason	919 Equitable Building, Baltimore,	1896
Riley, Elihu S.	Annapolis,	1896
Rhodes, Frank V.	701 Fidelity Building, Baltimore,	1897
Robb, David A.	Cumberland,	1900
Robertson, Alex. H.	324 Equitable Building, Baltimore,	1896
Robinson, Ralph	741 Equitable Building, Baltimore,	1896
Robinson, Thomas H.	Bel Air,	1896
Rogers, James C.	Hyattsville,	1900
Rogers, John G.	Ellicott City,	1898

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Rogers, Robert L.	46 Post Office Bldg., Baltimore,	1899
Rose, John C.	628 Equitable Building, Baltimore,	1897
Ross, Charles W.	Frederick,	1897
Rouse, Willard G.	Bel Air,	1896
Russum, George M.	Denton,	1897
Rutherford, Allan	Gaithersburg,	1899
Sadtler, Howard P.	626 Equitable Building, Baltimore,	1897
Sams, Conway W.	Bank of Balto. Bldg., Baltimore,	1896
Sappington, A. DeR.	Md. Telephone Bldg., Baltimore,	1897
Sasscer, Frederick	Upper Marlboro,	1900
Savage, George	Calvert Building, Baltimore,	1897
Schley, Buchanan	Hagerstown,	1896
Schmitz, Bernard A.	110 E. Lexington st., Baltimore,	1901
Schmucker, Samuel D.	1712 Park ave., Baltimore,	1897
Scott, Norman B., Jr.	Hagerstown,	1896
Seth, Joseph B.	Easton,	1899
Seybold, Vincent	Frederick,	1897
Shanklin, Arthur P.	Towson,	1899
Sharp, Abraham	100 E. Lexington st., Baltimore,	1899
Sharp, George M.	2105 St. Paul st., Baltimore,	1896
Simmons, Thomas W.	Cambridge,	1897
Sincell, Edward H.	Oakland,	1898
Skinner, Maurice E.	416 Equitable Bldg., Baltimore,	1897
Slay, William M.	Chestertown,	1897
Slingluff, Fielder C.	309 Fidelity Building, Baltimore,	1899
Sloan, D. Lindley	Cumberland,	1900
Sloan, David W.	Cumberland,	1896
Smith, George W., Jr.	Hagerstown,	1896
Smith, Jerry L.	Annapolis,	1901
Smith, Robert H.	622 Equitable Building, Baltimore,	1897
Smith, William C.	202 N. Calvert st., Baltimore,	1901
Spamer, C. A. E.	215 N. Charles st., Baltimore,	1897
Stake, Edward	Hagerstown,	1898
Stanford, H. L. D.	Princess Anne,	1896
Stanley, Charles H.	400 Equitable Building, Baltimore,	1897
Steele, Guy W.	Westminster,	1898
Steele, John N.	830 Equitable Building, Baltimore,	1898
Steiner, Hugo	309 Law Building, Baltimore,	1897
Stevens, Francis P.	Herald Building, Baltimore,	1897
Stewart, David	101 N. Charles st., Baltimore,	1897
Stewart, Hyland P.	712 Equitable Building, Baltimore,	1901
Stockbridge, Henry	11 N. Calhoun st., Baltimore,	1897
Stoner, Frank L.	Frederick,	1897
Story, Fred. W.	Builders Exchange, Baltimore,	1897

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Straus, Isaac Lobe	12 St. Paul st., Baltimore,	1900
Strite, A. C.	Hagerstown,	1896
Surratt, William H.	3 E. Lexington st., Baltimore,	1901
Talbott, Hattersly W.	Rockville,	1899
Talbott, William H.	Rockville,	1896
Taylor, A. H.	205 E. German st., Baltimore,	1898
Taylor, Calvin B.	Bel Air,	1897
Tharp, Alfred L.	Easton,	1897
Thayer, F. A.	Oakland,	1898
Thomas, George C.	221 St. Paul st., Baltimore,	1899
Thomas, George L.	12 St. Paul st., Baltimore,	1897
Thomas, James W.	Cumberland,	1897
Thomas, William H.	Westminster,	1899
Thomas, William S.	Hoen Building, Baltimore,	1898
Tiernan, Charles B.	11 E. Lexington st., Baltimore,	1897
Tippett, Richard B.	601 Law Building, Baltimore,	1897
Toadvin, E. Stanley	Salisbury,	1900
Tome, Peter E.	33 S. Gay st., Baltimore,	1898
Towers, Albert G.	Denton,	1897
Tull, Gordon	PrincessAnne,	1897
Turner, Frank G.	3 E. Lexington st., Baltimore,	1899
Turner, J. Frank	Easton,	1901
Trundle, W. Burns	301 St. Paul st., Baltimore,	1897
Tyson, A. Morris	207 N. Calvert st., Baltimore,	1897
Upshur, George M.	737 Equitable Building, Baltimore,	1897
Urie, John D.	Chestertown,	1898
Urner, Hammond	Frederick,	1898
Urner, Milton G.	Frederick,	1897
Van Bibber, George L.	Bel Air,	1898
Veitch, Percy H.	Oakland,	1901
Venable, Richard M.	205 E. German st., Baltimore,	1897
Vickers, H. W.	Chestertown,	1897
Wagaman, Charles D.	Hagerstown,	1896
Walsh, Michael E.	Westminster,	1898
Walsh, William E.	Cumberland,	1896
Walter, M. R.	Herald Building, Baltimore,	1897
Warburton, William T.	Elkton,	1898
Ward, Alfred L.	Easton,	1897
Warfield, Edwin	Fidelity & Deposit Co., Baltimore,	1897
Warfield, John	Daily Record Building, Baltimore,	1898
Warner, C. Hopewell	Herald Building, Baltimore,	1897
Waters, Henry J.	Princess Anne,	1896
Waters, J. Seymour T.	14 E. Lexington st., Baltimore,	1899
Watts, P. Bartley	222 St. Paul st., Baltimore,	1897

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Weant, Edward O.	Westminster,	1898
Webster, J. Edwin	Bel Air,	1896
Whelan, Thomas A.	509 Fidelity Building, Baltimore,	1897
Whitelock, George	Guardian Trust Bldg., Baltimore,	1896
Whiting, F. Brooke	Cumberland,	1901
Wickes, L. W.	Chestertown,	1897
Williams, Ferdinand	Cumberland,	1897
Williams, Frederick R.	Bel Air,	1896
Williams, George Weems	3 E. Lexington st., Baltimore,	1900
Williams, John F.	509 Law Building, Baltimore,	1897
Williams, Jay	Salisbury,	1897
Williams, Stevenson A.	Bel Air,	1897
Willis, George R.	Md. Telephone Bldg., Baltimore,	1897
Willison, Jasper N.	Cumberland,	1900
Wilmer, L. Allison	La Plata,	1896
Wilson, Austin A.	Cumberland,	1897
Wilson, John Glover	Cumberland,	1897
Wingert, Henry F.	Hagerstown,	1897
Wirt, John S.	Elkton,	1896
Witzenbacker, Wm. J.	Hagerstown,	1896
Wolff, Oscar	Herald Building, Baltimore,	1898
Worthington, Glenn H.	Frederick,	1897
Wright, Daniel Giraud	142 W. Lanvale st., Baltimore,	1897
Yellott, Osborne I.	Towson,	1898
Young, John S.	Bel Air,	1896

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